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English Men of Action

STRAFFORD

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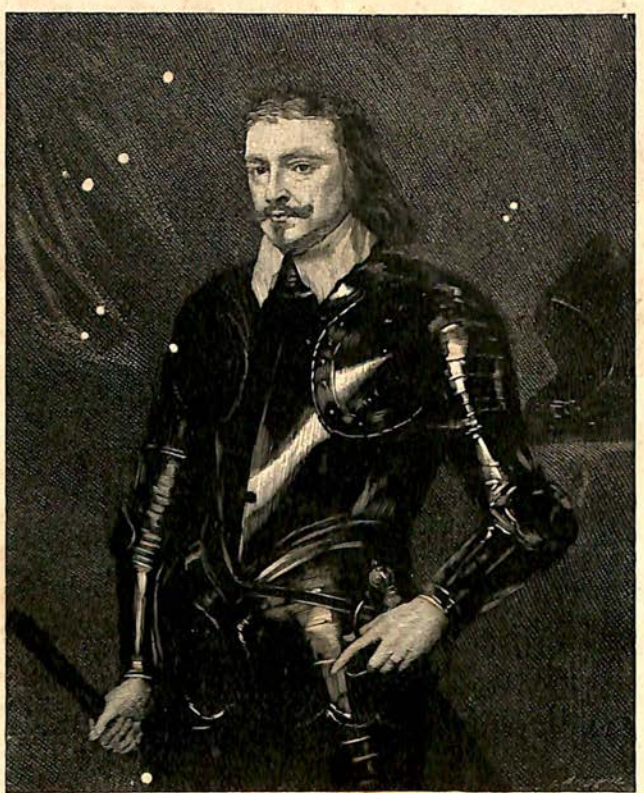

LORD STRAFFORD

Engraved by O. Lacour, after the picture by Vandyke in the possession of Sir Philip Grey-Egerton, Bart., of Oulton Park, Cheshire

LORD STRAFFORD

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BY

H. D. TRAILL

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CHAPTER I

EARLY LIFE

1593–1625

In that momentous struggle between the rival principles of Parliamentary Government and Monarchical Rule which fills the annals of our country throughout the greater part of the seventeenth century, the latter of the two contending theories is popularly and not unnaturally associated with the name and personality of Charles the First. The purpose of the following pages is to delineate the character and to trace the career of a man who might be much more justly regarded as the historical representative of the Absolutist cause—of a man who dedicated to it an intellect incalculably keener and a will immeasurably stronger than the most fanatical of cavaliers has ever attributed to Charles, and who sealed his loyalty to it in a higher sense than did his unhappy master by a death upon the scaffold. Of him it can be said, as it never could be said of the monarch who used and betrayed him, that if any man could have held firm the flood-gates of authority against the rising tide of democratic aspiration, it was he. To his powerful arm and to none other would the Trojans of Royalism have been justified in committing the defence of their citadel; and

only from *his* failure to preserve it could they have had a right to draw the Virgilian omen of an irresistible fate. He alone was entitled to appropriate the boast of Hector and to declare that

"Si Pergama dextrâ
Defendi possent etiam hâc defensa fuissent."

His life, in short, was the life of the Absolutist cause, his temporary mastery its fleeting hope, his defeat and death its destruction.

Thomas Wentworth, afterwards Earl of Strafford and Baron Wentworth, was born in Chancery Lane on Good Friday, April 13th, 1593, at the house of his maternal grandfather Robert Atkinson, a bencher of Lincoln's Inn. He came of an old Yorkshire family which had been seated on the manor of Wentworth since the Conquest. His father, Sir William Wentworth, does not appear to have taken any active part in public life, but the family had in the course of its history given not a few servants to the State; a Lord Chancellor and a Bishop were numbered among its members. The great-grandfather of the subject of this memoir was in favour, it would appear, at the Court of Henry the Eighth, and the appendix to Radcliffe's collection of the Strafford Letters contains a curious grant under the hand of that monarch authorising his well-beloved subject, Thomas Wentworth, for "certain diseases and infirmities which he daily sustegneth in his hede," to wear "his bonet on his said hede" in the royal presence.

As the eldest son of an important county family, Wentworth, of course, received the education deemed

necessary to fit him to become its head. He was sent at an early age to St. John's College, Cambridge, where, without being known to have particularly distinguished himself, he must have laid the foundations of a sound scholarship, and whence he bore away with him affectionate remembrances of his University, which were to reveal themselves on more than one occasion in later life. To the usual academical course he added a careful study of modern letters, and he appears to have sedulously trained himself in those arts of expression, oral and literary, which were afterwards to become such powerful weapons in his hands. A letter to Sir William Wentworth from a friend of the family, under date of 1611, when Thomas Wentworth had reached his eighteenth year, and was probably just concluding his university course, congratulates the father on the son's "honourable fortunes," and at the same time suggests that the younger brother William should be entered of the Middle Temple. He himself was to go through a steady course of legal training at a future period, but the first step towards the completion of his education was a year of continental travel. Accompanied by his tutor, the Rev. Charles Greenwood, a Fellow of University College, to whom he became much attached, and whom he afterwards warmly recommended to his nephew, Wentworth left England probably in 1611 or 1612 for the Continent, where he made a stay of some fourteen months. The only noteworthy or indeed known incident of the tour was his having made the acquaintance of Sir Henry Wotton, then our ambassador at Venice. On his return from abroad he appeared at Court, and was knighted by James the First. The origin of this honour

seems pretty clearly indicated by the age of the recipient. Like his father's baronetcy, which was apparently conferred at the same time, they were probably granted by the royal founder of the latter title for a "valuable consideration." It had doubtless been procured for him in contemplation of his marriage, which took place at this time, to Lady Margaret Clifford, eldest daughter of Francis, Earl of Cumberland.

The year 1614 was an eventful one in Wentworth's life. It witnessed at once his attainment of his majority, his succession to the baronetcy and family estate by the death of his father, and his first entrance into Parliament as member for Yorkshire. His voice, however, was not heard during the single session of that short-lived assembly. "Till such time," he afterwards wrote to his nephew, "as experience hath ripened your judgment it shall be great wisdom to distrust yourself, and to fortify your youth by the counsel of your more aged friends before you undertake anything of consequence. It was the course that I governed myself by after my father's death, with great advantage to myself and affairs, and yet my breeding abroad had shown me more of the world than yours hath done, and I had natural reason like other men, only I confess I did in all things distrust myself, wherein you shall do, as I said, extremely well if you do so." We shall see hereafter how widely Wentworth's account by himself here given differs from the estimate formed of him by Clarendon.

Wentworth, however, had many other things to occupy his mind at the time besides public affairs. The estate to which he had succeeded was large for those days—six thousand a year; and besides, in addition to

the work always entailed by a succession, there had, at the same time, devolved upon him the care of the interests of two nephews, the sons of Sir George Savile, who had married his sister, and who died the same year as Sir William Wentworth. To this trust he dedicated himself with that energy and loyalty which were to be his most salient characteristics as a statesman, devoting minute and laborious study to the affairs of his wards, and personally attending the courts at every hearing of a long-protracted law-suit in which their property was concerned. This last sacrifice of time and labour, however, was no doubt made to serve a double purpose, for we know that he systematically studied law for several years at this period of his life, and was a regular attendant at the sittings of the Star Chamber.

From 1614 to 1621 no Parliament sat in England, but Wentworth soon found an opportunity of gratifying that desire for public employment which seems to have been always his strongest passion. In 1615 Sir John Savile, having for some cause or other made himself "impossible" as Keeper of the Records for the West Riding of Yorkshire, received an intimation that he must resign his office, and being allowed to recommend a successor, he determined, or was induced — the form of appointment contains the words "out of his love," but this may be mere "common form"— to nominate Sir Thomas Wentworth, who was duly installed in the office. After two years' service, however, he was suddenly informed by Buckingham that the King had received Sir John Savile into favour again,— which, no doubt, being interpreted, meant that Savile had purchased the good offices of the favourite,—and that

Wentworth would do well to resign. But his Grace did not yet know the man he had to deal with. Wentworth was not to be so easily dislodged. He defended his post with spirit, pointing out that Savile's resignation had been a matter of necessity and for cause of misconduct, and declaring that if further pressed to resign, he would come up to London and make good his case. Buckingham gave way, with the graceful pliancy which came so easily to him when he had a purpose to serve; but it is more than probable that he remembered the rebuff, and resolved to clear scores at the first opportunity which offered.

In 1621, after seven years' intermission, another Parliament was summoned, and Wentworth stood again as candidate for Yorkshire, in conjunction with Sir George Calvert, the Secretary of State. He,—or rather his fellow-candidate, for his own seat was regarded as safe,—was opposed by Sir John Savile; but official influence was brought to bear in favour of the Minister, after the usual unscrupulous fashion of the time, and both Wentworth and Calvert were returned. In the records of this brief Parliament, Wentworth has left behind him some traces of his individual action. He supported, with Pym, a Bill for keeping the Sabbath, a fact which sufficiently indicates his then connection with the Puritan party. Also we find him, when the House was threatened with compulsory adjournment, urging the members to pass as many of the more important bills as they could in the shortened time. And on the resumption of their sitting he moved, in view of similar tactics on the part of the Crown, that no member leave town till the session was ended. In January 1622 the Parlia-

ment was dissolved, to the grief of Wentworth, as he assured a friend, to whom he described the event as a disaster.

This year, moreover, was one to be remembered with sorrow on private grounds. In the summer he lost his wife by a fever contracted during his residence at Austin Friars, whither he had transferred his household in order to fulfil his parliamentary duties. He was himself visited with a severe attack of the same disease, which left him only to be followed by an ague, which troubled him for long afterwards.

To the last Parliament summoned by James in 1624 he was again returned—this time for Pontefract—and again sat as a silent member. On February 24th in the following year he married his second wife, Lady Arabella Holles, a younger daughter of Lord Clare, who became the mother of the children who survived him, his first wife having died without issue. In March 1625 James the First died. Writs were issued for a new Parliament, and Wentworth stood for York. He was opposed by a son of his old opponent, Sir John Savile, but was returned. Savile petitioned, alleging illegality, and a new election was ordered, when Wentworth a second time secured the seat. With this event the important period of his career begins.

CHAPTER II

THE FIRST PARLIAMENT OF CHARLES

1625–1628

CHARLES the First, though always subtle and often stubborn, was not a prince remarkable for either grasp of intellect or force of will; but one may admit that even a much more abundant supply of both qualities might have failed to equip him adequately for the singularly difficult task which lay before him on his accession to the English throne. There have been many stronger players at the game of kingcraft than he, but few who ever sat down to the table with a worse hand. When, moreover, to the external difficulties of his position we add the constitutional defects of his character, we may well doubt whether from the outset he ever had any real chance of winning the game. The conditions adverse to him make up at any rate a most formidable array. A heavy legacy of debt bequeathed him from his father besides financial embarrassments of his own; the reflected unpopularity of an ill-conducted continental war; a distrusted French Catholic wife and a detested Minister-favourite; the menace of a levelling religious movement, daily allying itself ever more and more closely with new and dangerous political ideas;—these troubles alone would have been

sufficient in all conscience to engross the energies of the strongest and to try the tactics of the most skilful of rulers. But in Charles's case the external enemy found treacherous confederates within the camp, and the unhappy King had to contend not only with hostile circumstance, but with the gravest moral and mental failings of his own—with a narrowness of vision which forbade him to see farther than those dangerous expedients of the moment which he saw all too clearly, with a coldness of heart which left him without any of those emotional promptings to honesty and staunchness which often supply the place of principle, and with a will at once obstinate and irresolute, wavering when firmness might have won the day, and immovable when concession was the only path of safety.

His first Parliament assembled at Westminster on June 10th, 1625, and Charles, whose needs were too pressing to admit of circumlocutory statement, told them in plain terms that he wanted money. His father had left £700,000 of debts: he had already contracted considerable liabilities of his own; and the money voted for the war with Spain in the Palatinate was long since swallowed up. He did not hint at a peace; he said, on the contrary, that the war must be pushed on with vigour. He reminded the Parliament that they themselves had had recourse to arms, and that therefore, the war being their own work, the dishonour would be theirs if it were not followed up with spirit from a want of necessary supplies. Charles, however, had already anticipated some of these supplies in a manner which did not tend to predispose the Commons to liberality. During the interval between his accession to the Crown

and his summons of Parliament he had issued warrants for the levying of troops for the Palatinate, and had exacted a tax, or rather a forced loan, from the people in the form of "coat and conduct" money—as the charge for the equipments and transport of troops was called—the payers of the irregular impost receiving a promise of a payment from the Treasury. This and other grievances, and the increasing hatred of the Parliament for the all-powerful favourite, determined the character of their response. They limited their votes to two subsidies, amounting only to about £140,000, and the duties of tonnage and poundage not for life, as had been the practice for two centuries, but for one year only. The Bill, however, for thus limiting these duties was thrown out by the House of Lords, and Charles, much disgusted by the niggardly reply to his application, adjourned the Parliament, appointing it to meet again on August 1st at Oxford, London being at that time under a visitation of the plague. Here accordingly the Commons reassembled, but in no more pliable mood than before. They declined to alter their decision in the matter of tonnage and poundage, and broke out into fresh complaints of grievances. Charles endeavoured, not very happily, to quicken their movements by a hint that "the plague might touch them" if they were too dilatory, and that if they would not give answer about the supplies without loss of time, "he would take more care of their health" than they themselves seemed disposed to take, and shift for himself as he could. This threat of dissolution only drew from the House an address in which they declared themselves "abundantly comforted by his Majesty's care for their health," but

proceeded to notify their fixed intention of doing their utmost to discuss and reform the "abuses and grievances of the realm and State," *and* (but afterwards) to "afford all necessary supply to his most excellent Majesty upon his present occasions and designs," etc. The declaration, however, was never presented, for before this could be done the King dissolved the Parliament after an adjourned session of eleven days.

In this Parliament Wentworth sat as member for York, and took a more active part in its proceedings than he had done in those of either parliaments of the preceding reign. It becomes therefore of much importance to determine what his attitude was towards the Court and the popular party respectively at this his first really active participation in political affairs. It has been usually believed, and it is even now sometimes said,—principally indeed by those who have a motive for giving a more dramatic turn to his subsequent apostasy,—that he threw himself at once and unreservedly into the popular cause. The accessible evidence, however, does not seem to me to support this conclusion. It is true that Wentworth appears to have acted in the Parliament of 1625 with Pym, Selden, Sir Francis Seymour, Sir John Elliot, and others of their party; that his name has ever since been associated with them in responsibility for all the protests and proceedings of that party in this Parliament; and that such historians as Hume, for instance, hesitate not to reckon him among their number. True it is also that he was regarded by the Court as formidable enough to be worth including in the list of those whom it was ingeniously attempted, by a peculiar exercise of the prerogative, to prevent

from serving in the next Parliament. But nevertheless it seems impossible to draw any other conclusion from documentary evidence brought to light in later times than that, even as early as 1625, Wentworth was no single-minded and disinterested opponent of the Court. Had he been so it is incredible that he should have amicably received overtures made to him by the hated favourite, and should even, as it seems he did, have complied with the request which they prefaced. Yet this in fact happened. Buckingham made advances to him through Weston, the Chancellor of the Exchequer, soliciting his good offices in Parliament, and was informed in reply that Wentworth would be ready "to serve him in the quality of an honest man and a gentleman." For this he received the Duke's thanks; and the treaty was some time later ratified by a personal interview. Wentworth, to quote his own words, received Buckingham's command "to kiss his Grace's hands" before leaving town, and on doing so was very graciously entertained. The favourite appears to have sent him away crammed with pretty speeches and fair promises, and he departed, as he says himself, "with a great deal of content and full security."

The interchange of such courtesies as these between one of the reputed leaders of the Opposition and the Minister against whom they were directing every parliamentary weapon within their reach would, even alone, have been a suspicious incident; but matter of yet stronger suspicion is to come. Pressed by his necessities, Charles found himself compelled to summon a second Parliament, and in order to rid himself of a few of the most troublesome of the opponents of

the Court in the last Parliament, the King appointed seven of them sheriffs of their counties, so as to disqualify them for parliamentary seats. Among them was Wentworth, who, naturally attributing the inclusion of his name to the instigation of Buckingham, was highly indignant at the supposed act of treachery on the part of a professed friend. Buckingham however, who was then in Holland, assured him, whether truly or falsely, that the appointment had been made entirely without his knowledge and after he had left England. Wentworth's suspicions were allayed, or so he allowed it to be believed, and within a very short time after the summons of Parliament, and before its meeting, we find him actually approaching Buckingham, through another minister, as a suitor for office. The moment, manner, and specific object of the application are one and all of so much significance that it is desirable to set out *in extenso* the letter in which it was conveyed.

"Sir Thomas Wentworth to Secretary Conway.

"My much honoured Lord—The duties of the place I now hold [the Keepership of the Rolls] not admitting my absence out of these parts, I shall be bold to trouble your Lordship with a few lines, whereas otherways I would have attended you in person. There is a strong and general belief with us here that my Lord Scroop purposeth to leave the Presidentship of York, whereupon many of my friends have earnestly moved me to some means to procure it; and I have at last yielded to take it a little into consideration, more to comply with them than out of any intent or inordinate desire thereunto in myself. Yet, as on the one hand I have never thought of it, unless it might be effected with the good liking of my Lord Scroop, so will I never move further in it till I know also how the suit may please my

Lord of Buckingham: seeing, indeed, such a seal of his gracious good opinion would compel me much, make the place more acceptable, and that I am fully resolved not to ascend one step of this kind except I may take along with me by the way a special obligation to my Lord Duke, from whose bounty and goodness I do not only acknowledge much already, but, justified in the truth of my own heart, do still repose and rest under the shadow and protection of his favour. I beseech your Lordship, therefore, be pleased to take some good opportunity fully to acquaint his Grace herewith, and then to vouchsafe (with your accustomed freedom and nobleness), to give me your counsel and direction, which I am prepared strictly to observe as one [who], albeit cheerfully embracing better means to do his Majesty humble and faithful service in these parts where I live, yet can with as well a contented mind rest where I am, if by reason of my many imperfections I shall not be judged capable of nearer employment and trust.

"There is nothing here to add for the present, save that I must rest much bounden unto your Lordship for the light I shall borrow from your judgment and affection herein, and so borrow it too as may better enable me more effectually to express myself hereafter.

"Your Lordship's most humble and affectionate kinsman to be commanded, T. WENTWORTH.

"*Wentworth, the 20th of January* $162\frac{5}{6}$."

Now when it is remembered that the post to which Wentworth then aspired was one of high authority, and that the applicant for it was a man still young in years, and who had never yet held any office of greater importance than that of *Custos Rotulorum*, it becomes difficult indeed to resist the suspicion that more and more valuable services must have been rendered by him to the favourite than any mere maintenance of a "benevolent neutrality" towards him in the former Parliament.

Something more, too, than mere past expressions of good-will on Buckingham's part would surely appear to be indicated by Wentworth's reference to the Duke, as one "from whose bounty and goodness I acknowledge much already." Without a positive straining of charity it is hard to doubt that the relations between the Minister and the so-called Oppositionists must have been much such as became common enough in later days when ministers had perfected the arts of parliamentary management, and Opposition members had learnt to carry their parliamentary influence to the best market. In any case it must be felt by every one that the conception of Wentworth as a man who approached the Court with solicitations before the Court approached him with bribes, and as one who was a petitioner before he became a patriot, must materially modify, whether for the worse or not may be matter of opinion, the once popular historical estimate of his subsequent career.

It is to be assumed that Wentworth's application, as above set forth, was duly conveyed through Conway to Buckingham, and it is not impossible that that most arrogant of men was astonished at its audacity. Anyhow, the price asked was at the time regarded as too high—perhaps as preposterously so; and so far from entertaining the request the Duke seems suddenly to have come to the conclusion that the ambitious aspirant was not worth buying at all. He was out of Parliament and likely to remain so; and instead, therefore, of conferring a new and important office upon him, it seemed a happy thought to deprive him of the minor dignity which he already enjoyed. Or if this were not Buckingham's idea, it must have been his master's. The fact at any

rate is that shortly afterwards Wentworth was suddenly and without warning dismissed from the office of Keeper of the Rolls, the king's writ being actually handed up to him as he sat in Court. Excluded from Parliament and now publicly humiliated, he was in the fittest possible mood to volunteer for active service in that army to which up till then he had hardly more than nominally belonged. But his parliamentary disability for the moment paralysed him, and before the removal of that disability replaced him in a position to resume the offensive in the struggle with the Crown, he was destined to be compelled to defend himself against its attacks.

The Parliament of 1626 proved as intractable as its predecessor, and after a troubled session of four months —from February 6th to June 15th, during which Charles contrived to embroil himself quite gratuitously in a dispute on "privilege" with the peers by way of strengthening himself in his standing quarrel with the Lower House—it was dissolved. Thrown upon their own resources to obtain funds, the King and the favourite—the latter now with his back to the wall, for the Commons had, before the dissolution, demanded his impeachment—devoted their whole attention to the raising of money by illegal or disputable means. A warrant was issued under the Great Seal for levying duties on all imports and exports; a commission was appointed to inquire into the arrears of fines due from Popish recusants, and to compound with them for immediate payments; a circular letter was addressed to the nobility, gentry, and merchants reminding them that on pressing occasions it had always been the custom to exact contribu-

tions from the king's subjects, and £100,000 were at once demanded from the City of London under this claim. The capital and the seaport towns were, moreover, commanded to furnish ships, well armed and provisioned, for three months, for the defence of the coasts and the protection of the narrow seas. None of these exactions, however, nor all of them together, offering promise of a sufficient replenishment of the Treasury, the King was compelled to resort to a forced loan on something like a national scale. Orders were sent under the Privy Seal to men of all ranks requiring them to lend money to the King in proportion to their means; and to Sir Thomas Wentworth, as a Yorkshire landed proprietor, there came a demand in this form for a sum of £40. Wentworth refused payment, and was summoned before the Commissioners at York. He replied with a deferential but dignified letter praying to be excused on the ground of health from attending the Commissioners on the day appointed by them, and thanking them for their "gentle proceeding" in having only summoned him, when they might have sent for him "by pursuivant," but adding that if they did not think good to grant him the further delay which he asked, he would wait upon them by the end of the week, "albeit I be carried on a litter." To the Commissioners, before whom he shortly afterwards presented himself, he made "fair and dutiful answers," but firmly refused to recede from his position. Thereupon he was summoned to London to appear before the Privy Council, to whom he displayed the same respectful but inflexible bearing. He was first committed to prison in the Marshalsea, and afterwards transferred to a sort of semi-confinement at Dartford in Kent.

His detention, however, was not destined to last long, for Charles could live neither with Parliaments, nor,—until his present prisoner himself taught him the secret,—without them. An economical and prudent king, with exclusive control over his own foreign relations, might have been able to sustain a contest with the power that held the purse-strings; but Charles possessed neither economy nor prudence nor an independent foreign policy. He turned from a Parliament which refused to relieve his necessities only to throw himself into the arms of a Minister who continually increased them; and the vain and reckless favourite, whose unpopularity did so much to alienate the Commons from their sovereign, was the very man whose costly counsels were perpetually compelling him to seek their aid. Buckingham's next and last extravagance was to embroil the King with France, and to organise and take command as general and admiral-in-chief, though he possessed neither military nor naval experience, of the disastrous expedition to Rochelle, whence he returned, outgeneralled and outadmiralled, with a disgraced flag and the discontented residue of a decimated force, at the latter end of November 1627. Having now succeeded in inflaming the national hatred of him to the highest possible pitch, he had at the same time rendered it necessary for his master to summon a new assembly of the nation's representatives. The debts of the Government for wages, shipping, and material alone were reckoned at nearly £200,000.

The Parliament was summoned to meet on March 17th, 1628. Prominent among those returned by the constituencies to serve in it were the men who had in-

curred punishment for their resistance to the royal exactions; and Charles had no choice but to set them at liberty. Wentworth was again elected for Yorkshire, and quitted his place of detention for a seat in the House of Commons.

CHAPTER III

THE THIRD PARLIAMENT OF CHARLES—WENTWORTH IN OPPOSITION

1628

A MARKED change in Wentworth's political attitude now presents itself. The comparatively silent member of the Parliament of 1625, and the Opposition leader open to "management" who figured in the Parliament of 1626, has become one of the foremost, the ablest, and the most active champions of the popular cause in the Parliament of 1628. In almost all the stirring debates which preceded the formulation and presentment of the Petition of Right we find him taking a leading part; his speeches are generally the most vigorous and nearly always the boldest of all that have come down to us from that memorable time. The first act of the Parliament, after having been addressed in language of haughty menace by the King, was to fall upon the abuses which had been committed during the parliamentary interregnum—the oppressive exaction of benevolences, the billeting of soldiers on private houses, and the penal appointment to foreign missions or other posts abroad of persons who refused to contribute to the royal necessities. No member descanted on these griev-

ances with greater vehemence than Sir Thomas Wentworth. He spoke of the Government as having forced upon them "companies of guests worse than the ordinances of France," and having "brought the Crown to greater want than ever it was by anticipating the revenue." They have, he said, "introduced a Privy Council ravishing at once the spheres of all ancient government, imprisoning us without bail or bond. They have taken from us,—what shall I say? Indeed, what have they left us? They have taken from us all means of supplying the king and ingratiating ourselves with him by tearing up the roots of all property; which, if they be not seasonably set into the ground by his Majesty's hand we shall have, instead of beauty, baldness."

Then passing to the remedies of all these disorders, Wentworth proceeded:

"By one and the same thing hath the king and the people been hurt, and by the same thing they must be cured. We must vindicate—what? New things? No; our ancient lawful and vital liberties, by reinforcing the ancient laws made by our ancestors, by setting such a stamp on them as no licentious spirit shall dare hereafter to enter upon them. And shall we think this a way to break a Parliament? No; our desires are modest and just. I speak truly both for the interest of the king and the people. If we enjoy not these [liberties] it will be impossible to relieve him; therefore let us never fear but they will be accepted by his goodness. Wherefore I shall descend to my motion, which consists of four parts, two of which have relation to our persons, and two to the property of our goods. 1st. For our persons: the freedom of them from imprisonment, and from employments abroad against our own consents, contrary to the customs of this kingdom. 2d. For our goods: that no levies may be made but by Parliament, and no billeting of soldiers. It is

most necessary that these be resolved that the subjects may be secured in both. Then for the manner it will be fit to determine it by a Grand Committee."

This, however, was but the first of many damaging blows that Wentworth was to strike in his new cause. Throughout he was to be the life and soul of resistance to the royal demands. When, shortly afterwards, the King sent down to the Commons a list of fourteen purposes for which money was required, it was Wentworth who stood foremost in urging their rejection. "I cannot," he said, "forget that duty which I owe to my country, and unless we be secured in our liberties we cannot give." As to the propositions he "inclined," he said, "to decline them, and to look upon the state of our country whether it be fit to give or no." Charles now began to see the necessity of making concessions. He declared that he quite approved of the jealousy of the Commons for the freedom of their persons and properties, and promised that if only they would grant the required supply their liberties should be secured to them. Propitiated by this change of tone the Commons voted five subsidies amounting to £350,000, a display of liberality that drew from the King the observation that he "liked Parliament at first, then distrusted them, and now loved them again." The renewal of confidence, however, was a little premature. The money had indeed been voted, but no date had been appointed for giving effect to the vote, and Coke complained a few days afterwards in the name of his Majesty that though the Commons "had freely and bountifully given five subsidies," they had fixed no day for handing them over.

Again Wentworth interposed to the disadvantage of the Crown. "When we set down the time," he said, "let us be sure the subject's liberties go hand-in-hand together." He suggested that they should fix the time in Committee, "but not report it to the House till we have a ground and a bill for our liberties. This is the way to come off fairly and prevent jealousies." The advice was at once taken, and the Committee of the whole House passed the memorable resolution that "grievances and supply go hand-in-hand."

This was too much for Charles's patience, and he sent the House a sharp message through Coke that, "without any further delay, he would have them to proceed in his business." He had been willing, he said, "that his affairs and theirs should concur and proceed together, yet his meaning was not that the one should give interruption to the other, nor the time to be spun out on any pretence to hinder that resolution upon which the common cause of the kingdom and all Christendom did so much depend." He accordingly bade the Commons "take heed that they forced him not by tedious and unnecessary delays to make an unpleasing end of what had been so well begun."

Nothing daunted, however, by this menacing message, Wentworth rose and set forth the subject's grievances anew. Again he dwelt upon the injuries inflicted upon the persons and property of the King's lieges—injuries "boundless and without bank"—"both by imprisonment without law, nay, against law, and being designed to some office charge and employment, foreign or domestic, as a brand of infamy and mark of disgrace." Then he broke out passionately: "O, Mr. Speaker, when it may

not be safe to deny payment upon unjust exactions, but we must go to prison for it; nor in this place to speak our conscience, but we must be stamped to unwilling and unfitting employments! Our estates have been sacked two ways—one on the loan, wherein five subsidies were exacted, and that by commission of men of quality, and by instructions to prosecute the same with an asperity which no times can parallel. And hence the other consideration of the projectors and executioners of it. Nay, this was not all; but ministers in their pulpits[1] have preached it as gospel and damned the refusers of it. So there we are already doomed to damnation!" Such "rough ways," Wentworth concluded, "lead neither to the king's profit nor the kingdom's safety. The former may appear by the emptiness of the exchequer and sale of the ancient crown lands, the latter by the imminent and deep dangers that are ready to swallow us up. But I take no pleasure in touching these things; I conclude with a motion: That we name a Committee to consult on these grievances, and to digest them moderately, discreetly, and truly, into a humble petition."

This was done, and Charles again, dropping the high tone, sent a message to the Parliament to inquire whether, if he granted their requests, the members would rest upon his royal word and promise without further security, assuring them that if they did so his word and promise should be really and royally performed. Again it was proposed by some members of the Parliament to close

[1] A reference to Roger Mainwaring, one of the royal chaplains, who had preached a sermon before the King and Court at Whitehall urging that the mere will of the sovereign justified taxation, and that refusal to pay would be punished in the next world.

the controversy and hand over the subsidies without further conditions, and again was Wentworth's voice raised in favour of a less confiding course of conduct. "Never Parliament trusted more," said he, "in the goodness of their king, so far as regarded themselves only, than the present. But we are ambitious that his Majesty's goodness may remain to posterity, and we are accountable to a public trust, and therefore, seeing there hath been a public violation of the laws by his ministers, nothing can satisfy them but a public amends." This reasoning, whatever the motive of the reasoner, was unanswerable; and although yet another message reiterating his good intentions and urging expedition was received from the King, the Commons insisted on proceeding in the deliberate way in which they had begun. The petition for the removal of grievances was drawn up and sent to the House of Lords. In that House a proviso was introduced reserving entire "that sovereign power wherewith your Majesty is trusted for the protection, safety, and happiness of your people"; but to this the Commons objected on the ground that a sovereign power must mean a power "free from any conditions." On this question also Wentworth was fully abreast of such a recognised popular leader as Pym. "All our petition," said the latter, "is for the laws of England, and this power seems to be another distinct power from the power of the law." "If we do admit of this addition," declared the former, "we shall leave the subject worse than we found him, and we shall have little thanks for our labour when we come home. Let us leave all power to his Majesty to punish malefactors, but these laws are not acquainted with 'sovereign power.' We desire no

new thing, neither do we offer to trench on his Majesty's prerogative. We may not recede from this petition either in part or in whole." They did not recede from it. The Lords gave way, struck out their proviso, and joined the Commons in petitioning the King to give a more explicit answer to their prayer. On the same day, at four o'clock, Charles came down to the House of Lords, and, having commanded the attendance of the Commons, told them that he thought the answer he had already given was sufficiently satisfactory, but that to avoid all ambiguous interpretations he was willing to please them in words as well as in substance. He then ordered the petition to be read, and the Clerk of Parliament gave the royal assent in the Old Norman form, *Soit droit fait comme il est desiré.* The King added: "This, I am sure, is full, yet no more than I meant in my first answer. . . . You neither mean [to] nor *can* hurt my prerogative. I assure you that my maxim is that the people's liberties strengthen the king's prerogative, and that the king's prerogative is to defend the people's liberties. You see now how ready I have shown myself to satisfy your demands, so that I have done my part. Wherefore if this Parliament hath not a happy conclusion the sin is yours; I am free of it."

Thus, on June 7th, was granted the prayer of the famous Petition of Right. Parliament, however, was not prorogued till the 26th, and its proceedings during these nineteen days require to be specially noted by the student of Strafford's life as constituting a possible explanation of the sudden and startling change which was about to take place in his political attitude.

On June 12th the Commons granted the five subsidies, and in doing so demanded the cancelling of a new commission which had been lately issued, as being contrary to the letter and spirit of the Petition of Right—a demand to which the King acceded. They then again fell upon Buckingham and voted a long remonstrance against him, which was presented to the King by the Speaker. This done, they took up the Tonnage and Poundage Bill, and prefacing it with a remonstrance against the levying of these duties, as Charles had done, without the consent of Parliament, proceeded to pass it through its various stages in the limited form in which it had been rejected by the Lords in the Parliament of 1625—so, namely, as to hold good not for the period of the reign, as had been conceded to all former sovereigns from Henry the Sixth downwards, but for a year only. The justice, the policy, and the propriety of this step are all alike disputable. What is not disputable —and what, since the days when it has become possible for historians to look at Charles's conduct through other than Whig spectacles, has ceased to be disputed —is that the King had reasonable grounds for being alarmed, and natural excuse for being indignant at such a sequel to the compact just happily arranged between the sovereign and his faithful Commons. His countermove was prompt and decisive. Before the Bill had passed the Lower House, and while the Clerk was reading the remonstrance, a summons was received by them to attend his Majesty in the Lords. Charles had come down hastily to the Upper House, and sitting unrobed on the throne, for neither he nor the peers had had time to robe themselves,

he proceeded to lecture the Commons soundly on their meditated attempt to "take away the profits of my tonnage and poundage, one of the chief maintenances of my Crown, by alleging I have given away my right thereto by my answer to your petition. This is so prejudicial to me that I am forced to end the session some few hours before I meant, being not willing to receive any more remonstrances to which I must give a harsh answer." Further, and to prevent false constructions of what had been really granted by his assent to the Petition of Right, Charles went on to make a declaration concerning the true intent thereof. He reminded the Parliament of their professed intention in no way to trench upon his prerogative, from which it was to be inferred that in assenting to it he had "granted no new, but only confirmed the ancient liberties" of his subjects. "Yet to show," he continued, "the clearness of my intentions, that I neither repeal nor mean to recede from anything I have promised you, I do here declare myself that those things which indeed was the first and true ground of the petition shall not be trenched on to your prejudice; and from time to time, on the word of a king, you shall not have the like cause to complain. But as for tonnage and poundage" (*i.e.* as for the claim of my Parliament to limit the grant of these duties which my predecessors have enjoyed for their lives), "it is a thing I cannot want, and was never intended by you to ask, nor meant by me, I am sure, to grant." Then bidding the House take due note of the foregoing declaration, and in particular enjoining this upon the judges, to whom only "under me belongs the interpretation of the laws," since "none of the Houses of Parliament,

either joint or separate (what doctrine soever may be raised), have any power either to make or declare a law without my consent," the King prorogued the Parliament.

The address with which he dismissed it appears a plain and straightforward deliverance enough, and certainly does not merit the charge of bad faith which his enemies have brought against it. What it amounted to in substance was this: "I have promised by my assent to the Petition of Right that the acts which you complain of therein shall not be drawn into a precedent against you; or, in other words, that I will not again levy taxes without the consent of Parliament; that the persons of my subjects shall not in future be subjected to irregular arrest and imprisonments, nor their domiciles invaded by the compulsory billeting of soldiers. But I never agreed, and I do not now agree, to extend parliamentary control over taxation beyond the limits established by prescription having the force of law. It is one thing to undertake not to levy tonnage and poundage without the sanction of Parliament, and another thing to bind myself to come every year to Parliament for a sanction which that body was wont to accord to my predecessors once for all." Whether it would or would not have been wiser for Charles to have assented to the proposed limitation of his privileges is fair matter for argument. But whether he was or was not morally bound to assent to it as an implied corollary of his assent to the Petition of Right admits of no argument at all. The question incontestably lies outside the letter and the spirit of the petition, which, as Charles with perfect accuracy insisted, was concerned, not with the grant of new, but with the con-

firmation of ancient, liberties. Nor can the fact that these duties were not settled on the sovereign for life until the reign of Henry the Sixth be represented, except by an abuse of language, as the foundation of an "ancient liberty" of limiting them. For the right of limitation was deliberately parted with by the Parliament of Henry and the grant conferred on the sovereign for life, for the purpose of enabling him to maintain a naval force for the protection of the kingdom.

I have dwelt thus at length on the closing events of the session of 1628, because, as has been said, of their bearing, or arguable bearing, on the remarkable event which was to follow within three weeks of the prorogation. On July 14th, 1628, the chiefs of the popular party heard with a dismay and astonishment which passed rapidly into wrath, and settled finally into a stern and undying resentment, that their comrade—nay, their leader in the struggle against the Crown and the Court—had been created Baron Wentworth of New Marsh and Oversley. Three months later, in the following October, they learned that the barony had been converted into a viscountcy, and, more important than all to those of his former associates who could measure his abilities and ambition, that the new viscount had been appointed President of the Council of the North. The story goes that before he left London to enter upon his functions at York he chanced to fall in with his old colleague of the Opposition, John Pym. "You are going to leave us, I see," said that implacable enemy, "but we will never leave you while your head is on your shoulders." This of course may be only history attempting to pass itself off for prophecy; but there is no antecedent improba-

bility in the story. Pym was as capable of uttering his threat as he proved himself to be of executing it. And he must have known enough of Wentworth's dauntless and determined spirit to know that the war between them would be a war to the death.

CHAPTER IV

THEORIES OF WENTWORTH'S APOSTASY

SEVERAL theories more or less in conflict with one another have been put forward to account for Wentworth's apostasy. Some of these theories are plausible enough; but as in the case of the old unhappy antithesis between truth and novelty in doctrine, those explanations of his conduct which are the most credible are not the most creditable, while, on the other hand, those which are the most excusatory are also the least convincing.

The possible hypotheses substantially reduce themselves to the following four.

Either Wentworth was a sincere supporter of the claims of the Parliamentarian party in the session of 1628, or he was not. Under the affirmative assumption there are three possible theories of his desertion of that party.

(1.) He may have been honestly convinced that his political views were mistaken, or that his political party was becoming dangerous to the State, and have abandoned it and them.

(2.) He may have yielded to the fascinations which Charles was unquestionably able to exercise, especially over a nature like Wentworth's, and have espoused his cause in the chimerical hope

of being able to "accommodate the legitimate claims of prerogative with the rightful liberties of the subject."

(3.) He may have been simply bribed by the offer of power to recant a creed in which he still believed, and to become the hired soldier of a cause in the justice of which, at the time of his adopting it, he could have had no faith whatever.

Under the negative assumption that Wentworth was never sincere in his support of the Parliamentarian party, we get the theory that

(4.) He may have placed himself at the head of that party in the session of 1628 with the deliberate intent of making himself troublesome to the King and his advisers, and wringing from their fears the preferment which he had failed to obtain from their good-will.

It will be at once seen that theory (1) is alone entirely favourable to Wentworth, and unfortunately it seems far the least plausible of the four. Theory (2), the next most favourable, is inconsistent alike with the characteristics of the man, and with his immediate action on behalf of his new cause. Theory (3), on the other hand, appears to me, at any rate in the bald and crude form in which I have stated it in the text, to be at least equally inconsistent with Wentworth's later course of conduct, and in particular with the closing acts of his career. Theory (4), which, so far as I can discover, has commonly found less favour than any of them, I cannot help regarding as the most plausible of all. It explains many things in Wentworth's subsequent conduct which

the other hypotheses leave inexplicable, while—though this consideration can have no weight of course with an impartial biographer—it is to my thinking distinctly less unfavourable to Wentworth's political morality (the conduct which it would impute to him being condoned by the lax political ethics, not only of his own, but of far later times) than the theory which it would displace.

It remains to add a few words upon each of the hypotheses which I have passed under review.

I. The hypothesis of an honest conversion of Wentworth to the cause of Royalty has been usually stated somewhat after this wise. Wentworth, it is urged, was genuinely convinced of the necessity for checking those abuses of the royal prerogative which had been so freely practised during the three years since Charles's accession. Hence his general attitude in the session of 1628, and in particular his energetic and fearless support of the Petition of Right. That petition once granted, however, by the sovereign in proper constitutional form, the Commons, Wentworth thought, ought to have held their hands, at any rate for the time, and to have given proof of the sincerity of their professed desire only to prune away the abuses of prerogative, and not to lay axe to the parent stock itself. The Commons, however, showed no disposition of the kind. On the contrary, they displayed an irreconcilable and encroaching spirit which thoroughly alarmed Wentworth; and, having satisfied himself that the due equilibrium of the State, as he conceived it, was likely to incur more peril in future from the pretensions of the Parliament than from those of the

Crown, he hastened to withdraw his services from the former, and to proffer them to the latter.

It would be very agreeable, no doubt, to certain natural instincts to be able to accept this theory; but unfortunately facts of all sorts and of every degree of stubbornness are against it. Even from the point of view of mere chronology it will not stand. According to it we should have to suppose that Wentworth was a convinced Parliamentarian on June 6th, 1628, and a converted King's man on July 14th in the same year. True it is, and I have called special attention to the fact, that between June 6th and 26th the attitude of the Parliament towards the King had undergone a change of a somewhat ominous kind. But it was a question of omen alone, and upon omens alone it is not likely that a statesman of Wentworth's steadiness of character would have taken any sudden and irrevocable step. He could hardly have convinced himself in the space of three weeks that the Parliament whom he had been supporting would for the future require to be resolutely and implacably opposed by every one who wished to save the Monarchy. The utmost length to which reasoning could have carried him on such slender data, and in so short a time, would have been to such conclusions as that things were beginning to take too democratic a tendency,—that Parliament was developing undue jealousy of the royal power,—that it might be necessary sooner or later even for a friend of liberty to espouse the cause of the King,—or other like inferences. Moreover, on the assumption that Wentworth was honestly alarmed by the pretensions of the Parliamentarian party, while at the same time sharing their

legitimate aspirations, he would surely have made some effort to prevent the latter from developing into the former. We should expect, too, that the period during which this process was going on would be also the period of Wentworth's greatest parliamentary activity. Yet, so far from this, it coincides with an almost complete suspension of his parliamentary efforts.

II. The hypothesis of Wentworth's political seduction by the blandishments of Charles is with one exception the least tenable of all. That the devotion with which he afterwards served the King was founded in a large measure on sentiment—a sentiment of chivalrous and romantic loyalty—is, of course, true; but, in natures like that of Wentworth's, the force of such sentiments shows (and expends) itself in forming and fixing convictions, not in suddenly and inconsistently swaying conduct. The man who could hold or even think he held such opinions as those of Eliot, and could yet have been induced by the personal magnetism of any one whomsoever to recant those opinions, and to devote himself heart and soul to opposing them, might possibly be an amiable and high-minded man, but he would be a wofully weak one. He might be the Strafford of historical romance, but he would not be the Strafford of history. Besides which, there is as absolute a lack of positive evidence in favour of this theory, and as formidable an array of negative evidence against it, as is the case with the previous one. There is no jot or tittle of testimony to suggest that Wentworth, after his abandonment of the Parliamentarians, made even the faintest attempt to accommodate matters between them and the Crown.

On the contrary, every act of his subsequent life attests his determination to crush them.

III. The theory which would represent Wentworth as a sort of hired bravo, bribed by place and power to betray the cause in which he believed, so far as he believed in anything, is only worth mentioning in order to dismiss it. It would convert the whole of Wentworth's political career into an intellectual and moral paradox. A man who had merely sold his cause and his party for place would have sat him down, sooner or later, to enjoy the proceeds of his treachery. A man who continued to believe in the cause which he was persecuting would scarcely have laid down his life for that which he had embraced.

IV. It seems to me, therefore, that we are brought by a simple process of exhaustion to the conclusion that Wentworth was from the first an adherent of those absolutist principles of government of which he became afterwards so fearless and formidable a champion, and that his support of the popular party in the session of 1628 (like his resistance to the forced loan in the previous year) was part of a plan adopted for the purpose of convincing Buckingham that it was better to have him for a friend than an enemy. For the political morality of such tactics not much can be said; but it hardly lies in the mouths of the present generation of politicians to pass any very severe censure on a mode of political advancement which has survived into our own times. Many an occupant of the Treasury Bench in modern times has opened his way thither by the

familiar expedient of making himself a nuisance to the Government of the day; and the circumstance that it is now usual for such aspirants to attack the Government, not from the Opposition benches, but from below the gangway on the Ministerial side, is a mere accident of modern manners, or modern changes in the interior arrangements of the House of Commons. The essential point of similarity between the ancient and modern practice is, that the future Minister, wherever he may be sitting, speaks for and votes with the Opposition until he is invited to take a seat on the Treasury Bench; after which he as invariably speaks for and votes with his new companions.

That Wentworth adopted this method of forcing his claims on the attention of the Government appears to me, therefore, to be by far the most plausible and (though it is no one's business to study that consideration alone) not the least creditable of the accounts of his conduct in 1628. It attributes to him the less serious offence of making use of a political party for his own ends instead of the deeper guilt of betraying a political cause; and it is moreover a theory strikingly consistent with all that had gone before, and not inconsistent with anything that was to follow, in his career. We have seen that for a long time past he had been extremely desirous of office, and that he believed high and important office not to be above his deserts. We have seen that in pursuit of this object he did not scruple to approach Buckingham in an attitude of courtiership — an attitude sanctioned, indeed, by the usages of the day, but such as only the urgent promptings of ambition could have induced so proud a man as

Wentworth to assume. We have further seen that so long as he was pressing these solicitations upon the favourite, he took no prominent part in public affairs; and that even after he had been excluded from Charles's second Parliament by the device of "pricking" him for sheriff, he accepted Buckingham's assurances that he had had no hand in the exclusion and did not break with him, until the business of the abrupt dismissal of Wentworth from his judicial post too clearly showed that it was to be open war between them. Then for the first time we find Wentworth in opposition, and thenceforth until three weeks before his elevation to the peerage, his resistance to Charles's government is most energetic. Quietly and by the force of superior genius he passes Pym and Eliot in the race and becomes the animating spirit of the party to which he has attached himself. Whatever stroke of fence is attempted by Charles or his Minister it is almost always Wentworth who devises the parry; and, whenever it is a question of retaliating, it is he who suggests the mode in which, and the point whereat, the blow should be delivered. And thus matters went on until the King gave his assent to the Petition of Right on June 7th.[1] From the 7th to the 26th, when the prorogation took place,—the eventful weeks of the debates on the Tonnage and Poundage Bill and the Remonstrances,—Wentworth's name virtually, if not actually, disappears from the debates of the

[1] Professor Gardiner represents Wentworth's leadership as having come to an end on May 6th. And no doubt Eliot began to take a more prominent part after that date. But it seems to me impossible to represent Wentworth's action during the next month as any less actively opposed to the Court than before.

House; but I have already stated my reasons for holding that this abstention cannot reasonably or even plausibly be taken to imply that any process of change was going forward in his mind. If any account need be given of so short a period of time it is at least as probable a theory as any other that the overtures of the Court to him may have commenced immediately after the royal assent to the Petition of Right. Certain it is at any rate that these overtures, whenever commenced, were not long in securing a favourable response. Three weeks had not passed from the rising of Parliament before Wentworth was raised to the peerage.

If the above theory[1] of his political action can be deemed to hold good as an explanation of his action during the year 1628, it will meet, I think, with no serious difficulties from that time onward. On July 14th, as has been said, he was created Baron Wentworth, and obtained a promise of the very preferment, it is most important to note, which he had vainly

[1] A just respect for the high authority of Professor Gardiner would naturally inspire diffidence of one's conclusions when opposed to his. But I am reassured by finding that though in general terms he describes Wentworth's action in 1628 as that of a sincere and disinterested patriot, his more specific explanation of his attitude in no wise militates against the view set forth in the text. Wentworth, he says, in protesting against the past abuses of the prerogative, was "thinking chiefly," not like Eliot, "of Parliament as the mirror of the national will and the guardian of ancient law," but simply of "*how the king's government was to be carried on.*" What, however, is this but to say that he espoused the cause of the Parliamentarians without holding their views? On the other hand, it is eminently natural on my theory that he should have based his parliamentary action on avowed solicitude for strong government. To do so was to give Royalty the broadest of hints that he was an enemy of Ministers only, and quite ready to serve *the Crown*.

solicited from Buckingham two years back. He had convinced either the favourite himself, or his royal master,—and Charles, as we have seen, had had a personal liking for him from before this,—that it was better to grant him his terms than allow him to remain leader of the Opposition. It may be that in promising him the Presidency of the Council of the North, or at any rate on his acceptance of it, a certain saving of the appearances of political decency was effected. Grave complaints had been made in the House of Commons against the leniency shown by Lord Sunderland, the then incumbent of the office, to Popish recusants.

It is only justice to Wentworth to believe that he valued the promised promotion even more than the honours actually conferred upon him. I say "even" more, because it would be an entire mistake to suppose that he regarded his elevation to the peerage with indifference, or that he would not probably have been glad to accept it even if it had been unaccompanied with the expectation of office. The modern practice on the part of statesmen of affecting contempt for titles —the pretended preference (which most of them, however, so promptly overcome whenever circumstances disincline them to remain in the Lower House) for the simple name of commoner—had not in those days taken its place among the regular conventionalisms of English public life; and Wentworth was one of the most unlikely men of his time to entertain the sentiment as a matter of personal idiosyncrasy. He was frankly proud of, frankly deferential to, nobiliary rank, whether temporal or spiritual—it was part of his political, and even, I had almost said, of his religious, creed to be so; and indeed he

indulged his feelings on this subject throughout his life to an extent which doubtless affected his popularity, and sometimes, as will be seen, even compromised his material interests. The circumstances, moreover, attendant on his elevation to the peerage were well calculated to flatter his pride, for by a skilful compliment, whether originally conceived by Charles or suggested to him by others, a claim which Wentworth advanced, to an alliance with the blood-royal through Margaret, grandmother to Henry the Seventh, was ostentatiously acknowledged and displayed as a ground of ennoblement in his patent of barony.

Yet we may still believe that of the two he valued power, even now before his appetite for it had grown by enjoyment, more highly than honours, and the office of which he had now the reversion was no empty dignity. During the eighty odd years of its existence, it had been amply furnished with the realities of rule, and in Wentworth's hands was to become more powerful than ever. It dated from the year 1541, the thirty-first of Henry the Eighth. Up to that date the methods of administering justice had been the same in the north as in the south of England, but the men of the northern counties, a special stronghold of the ancient faith, had been less docile to the hand of the royal reformer than their southern fellow-countrymen, and after the outbreak of insurrection, which occurred in the above-mentioned year, a commission of Oyer and Terminer was granted to the Archbishop of York, with some lawyers and gentlemen of that county, for the purpose of investigating the grounds of the outrage and bringing the malefactors to punishment. This commission,

whose jurisdiction extended over the four counties of York, Northumberland, Durham, and Westmoreland, the bishopric of Durham, and the cities of York, Hull, and Newcastle-on-Tyne, was so successful in restoring tranquillity that its powers were prolonged, and on the reappearance of commotion in succeeding times frequently renewed. Elizabeth, and after her James, found it convenient to alter the tenor of the commission, to increase the scope of its jurisdiction, and to augment its circumscribed legal authority by certain discretionary powers. And to such an ascendancy was the Court raised by the enlarged instructions granted to Wentworth that the Council of York now engrossed all, or all the more important, forms of legal jurisdiction to which the English subject was amenable—the powers, that is to say, not only of the Courts of Common Law and Chancery, but even the novel and elastic authority of the Star Chamber. In fact, the new Lord President's commission was described by Clarendon[1] as placing the northern counties entirely beyond the protection of the common law. "It included," he says, "fifty-eight instructions, of which scarcely one did not exceed or directly violate the common law, and by its natural operation has almost overwhelmed the country under the sea of arbitrary power, and involved the people in a labyrinth of distemper, oppression, and poverty." Yet Wentworth still felt his power too circumscribed, and twice applied for an extension of its boundaries. A new commission was issued in March 1632, and this, whatever may be said of the enlarged commission of 1637, issued after

[1] Clarendon's Report. Rush. ii. p. 162.

his transfer to Ireland, must be considered as having been issued at his instance, though he denied it on his trial. The instructions of 1632 directed, among other things, that the President should have power to "stop proceedings in the Courts of Common Law," thus giving him a controlling instead of a merely concurrent jurisdiction as against the Common Law Courts. They contained also the still more arbitrary provision that no one should be discharged under a *habeas corpus* till he had performed whatever order or decree of the Privy Council might have been issued against him.

More than a year was to elapse before Wentworth entered upon his high duties, and it may be that he would have had to wait yet longer if the path of advancement had not been cleared before him by a tragic event. On August 23rd, 1628, Buckingham fell beneath the knife of Felton, and the stroke of the assassin gave the virtual death-blow to the warlike policy of which the favourite had been the animating spirit. Weston, the Lord Treasurer, whose preferences, like those of most financiers, had always been for peace, obtained the ear of the King after Buckingham's removal, and his counsels, reinforced as they were by the failure of the expedition to Rochelle, succeeded in reconciling Charles to the abandonment of the war. Negotiations were entered into in the autumn of 1628, and after running a course of some months resulted in a peace, and Charles was now at liberty to turn his undivided attention to the struggle with his Parliament. In the short and stormy session of 1629 Wentworth took no part; and, indeed, the House of Lords in general had little concern in it. Its history,

however, must be briefly given. On reassembling after the prorogation, the Commons found to their mortification that their supposed gains of the previous year were to a great extent illusory. They discovered that to the printed copies of the Petition of Right the earlier and evasive instead of the later and direct reply of Charles had by royal authority been appended; that the clergy whom they had prosecuted for promulgating absolutist doctrines and ritualistic innovations had received the royal pardon, and that two of them, Montague and Mainwaring, had been actually rewarded by preferment, the former to a bishopric, the latter to a lucrative benefice; that the King had, by fresh exercise of the prerogative, levied imposts on exports and imports, and that the merchants who had refused these exactions had been punished by imprisonment or confiscation. In reply to remonstrances on these points, the King in effect told the Commons that their remedy was simple, that by passing an Act confirming to him the duties which he had levied by his own authority all grounds of complaint would be removed, and that on this condition he would waive the claim of right and receive the taxes as their grant. But the Parliament was now in no mood for compromise. They demanded the liberation of the imprisoned merchants as a condition of proceeding further with supply. Their request was not acceded to, and then followed that historic scene in the Commons, when Denzil Holles, Wentworth's brother-in-law, and other members, held down the wretched Speaker in the chair to prevent his bringing the sitting to a close before the protestation of the House against the royal act of prerogative could be read. The pro-

testation got itself read at last,—though not by the agitated Speaker, but by Denzil Holles himself. Both sides had now flung away the scabbard. On March 10th Charles angrily dissolved his third Parliament, and set seriously to work to govern alone. In the autumn of the same year Wentworth entered upon his new functions at York.

The next three years of Wentworth's life—the years which cover the period of his government in the north—sufficed to show all men, both friends and enemies, what spirit he was of. The history of his northern presidency testified alike to his administrative genius, his untiring energy, his utter fearlessness, and his boundless devotion to the sovereign under whom he had taken service. It affords hints, too, and foreshadowings of that overbearing imperiousness of temper—the too common accompaniment of an iron will—which at a later period, and on a larger stage, was to give such dangerous handle to his foes. Whether his career as President of the Council of York affords indications of any regard for popular claims, or of any desire to establish a *modus vivendi* between the rights of the subject and the prerogative of the Crown, I must leave it to those by whom such regard and such desire have been ascribed to him to determine for themselves. For my own part I can find no other impulse or guide of his policy than the conviction, doubtless an entirely patriotic one, that the King must be assisted to uphold the Monarchy and the Church against a democratic faction bent upon the overthrow of both; that to this end he must be able to dispense for as long as possible, if not altogether, with parliaments who strove to curtail

royal authority and shake off ecclesiastical discipline; and that to enable him to dispense with parliaments the Treasury must be filled. It was mainly in virtue of the keener eye and the more resourceful intelligence which Wentworth brought to the prosecution of this latter object that he at last achieved ascendancy in the councils of his sovereign, and was enabled to maintain for eleven years a contest with the popular forces opposed to him, which did not begin to turn definitely against the Monarchy until its ablest champion had been struck down.

CHAPTER V

THE PRESIDENCY OF THE NORTH

1629–1633

On the last day but one of this eventful year the new President of the Northern Council was installed in his office. The speech which he made on the occasion is still extant, and is of no little biographical value. In it, observes Professor Gardiner, "he expresses no regret for the part which he had played in the preceding session." He does not indeed; but what seems to me even more significant, he does not justify it. He does not notice it for comment, favourable or unfavourable, of any kind; neither does he make any reference to the specific demands, the peculiar attitude, of the popular party at the time when he was associated with them. Surely, on the theory that he had approved of their course up to a certain point, and had then been alarmed and repelled by their excessive pretensions, he would have been careful to indicate the parting of the ways. But not so. The sort of Parliament to which Wentworth indirectly refers to throughout this inaugural speech answers in every respect to the description of a dangerously aggressive body, striving to aggrandise itself at the expense of other branches of the Constitution; and there is not a word in

the speech to show that in the speaker's opinion it had ever, from the very commencement of the struggle with the Crown, been anything else. Surely this is not very easy to reconcile with the belief that Wentworth was up to a certain point, or had even been up to any point, in sympathy with the views of Pym and Eliot. These are the words in which he refers to the constitutional struggle:

"To the joint individual wellbeing of sovereignty and subjection do I here vow all my cares and diligence through the whole course of my ministry. I confess I am not ignorant how some distempered minds have of late endeavoured to divide the consideration of the two, as if their ends were distinct, not the same, nay, in opposition; a monstrous, a prodigious birth of a licentious conception; for so should we become all head or all members. But God be praised, human wisdom, common experience, Christian religion, teach us far otherwise."

And then he goes on to point out what he regards as the true relation between the rulers and the ruled.

"Princes are to be indulgent nursing fathers to their people; their modest liberties, their sober rights ought to be precious in their eyes, the branches of their government be for shadow, for habitation, the comfort of life. They repose safe and still under the protection of their sceptres. Subjects, on the other side, ought, with solicitous eyes of jealousy, to watch over the prerogatives of a Crown. The authority of a king is the key-stone which closeth up the arch of order and government, which contains each part in due relation to the whole, and, which once shaken and infirmed, all the frame falls together into a confused heap of foundation and battlement, of strength and beauty. Furthermore, subjects must lay down their lives for the defence of kings freely till these offer out of their store freely, like our best grounds *qui*

majore ubertate gratiam quietis referre solent.[1] Verily these are those mutual intelligences of love and protection descending and loyally ascending which should pass and be the entertainments between a king and his people. Their faithful servants must look equally on both, weave, twist these two together in all their counsels, study, labour to preserve each, without diminishing or enlarging either, and, by running in the worn, wonted channels, treading the ancient bounds, cut off early all disputes from betwixt them. For whatever he be which ravels forth into questions the right of a king and of a people shall never be able to wrap them up again into the comeliness and order [wherein] he found them."

One other passage from this important, picturesque, and most interestingly self-revealing speech must be given, as defining Wentworth's attitude with respect to a matter on which the action of the popular party would have doubtless sufficed, even if there had been any sincerity in his alliance with them, to drive him from their side:

"I not only profess my entire filial obedience to the Church, but also covet a sound, a close conjunction with the grave, the reverend clergy, that they to us, as we to them, may in turns administer help to each other; that ecclesiastical and civil institutions, the two sides of every State, may not stand alone by themselves upon their own single walls, subject to cleave and fall in sunder; but joined strongly in the angle, where his Majesty, under God, is the mistress of the corner, the whole frame may rise up *unitate ordinatâ* both in the spirituals and the temporals."

[1] I do not wish to lay undue stress on isolated sentences, but it is difficult not to read in these words a condemnation of the whole methods of the Parliamentarians. Loyal subjects, Wentworth appears to say, should not in any case endeavour to force concessions from the king; but should remember that Royalty, like a generous soil, will be all the more liberal of its bounties from being left for a time undisturbed.

Here, of course, we have the first germ of that alliance between Wentworth and Laud which was to have such momentous consequences for the State and for themselves.

For nearly a year after the delivery of this speech but little is known of the doings of the new President of the Council of the North, though it is to be presumed that he set to work at once to repair the laxity of his predecessor in respect of the fines for Catholic recusancy. But near the close of the year 1629 a curious incident, which is supposed to have promoted his official advancement, brings him once more into notice. At the beginning of November, 1629, a paper found its way into Wentworth's hands which he felt it to be his duty, or, at any rate, conceived it to be his interest, to lay before the King. It was in form a letter addressed to the sovereign urging him "to bridle the impertinency of Parliament by taking military possession of the country, establishing fortresses guarded by mercenary soldiers, and compelling the payment of arbitrary taxes, to be levied by the sole authority of the Crown." As a matter of fact, the paper was about fifteen years old, the work of Sir Robert Dudley, the natural son of Elizabeth's favourite, Leicester, and its advice had been intended, not, of course, for Charles, but for his predecessor. It had, however, found its way into Sir Robert Cotton's library, and after having been forgotten from 1614 to 1629, it had now been unearthed by officious activity, and copies of it put in circulation. The Privy Council, naturally supposing that the paper was of contemporary date, and Charles having with great propriety observed that its suggestions were "fitter to be practised in a Turkish State than among

Christians," directed investigation to be made into the matter, with a view to the prosecution of the writer. In the course of a short time, however, the original was discovered in the Cotton Library; and as Sir David Foulis, the person who had conveyed it from the hands of its author to James's ministers, was still living, and was able to give his account of the affair, the mystery was promptly cleared up. But five days after he had started the King and his advisers on the search for the mare's nest, Wentworth took his seat as a member of the Privy Council. Unless the step had been in contemplation some time before—which, indeed, is by no means improbable—one can only say that never was a seat at the Council-table earned by a more illusory service.

Of his Northern Administration we have no further information of any specific character for more than a year. It is impossible to doubt, however, that his work at York throughout the year 1630 must have been full of difficulty. Government was no easy business anywhere in those days, and north of the Trent it was harder than in any other quarter of England. The northern shires were still the stronghold of recusancy, and the power of the landed gentry exceptionally great. They, it may be imagined, looked with little favour on the masterful administrator who had arrived among them, bent not only upon vindicating the royal authority, but upon replenishing the royal revenues at their expense. Many of them were recusants whose debt to the Crown in that capacity had been allowed by Wentworth's indulgent predecessors to fall into arrear; and all of them above a certain standard of income were

liable, according to the strict letter of the law, to be summoned to receive the degree of knighthood, or in the event of their wishing to decline the honour, to pay a composition in lieu of their fees. The right of the Crown to make this demand upon the gentry was vigorously asserted by Wentworth, who thereby earned himself the bitter hostility of many of the local magnates by whom he was surrounded.

The first, or, at any rate, the best known occasion in which this spirit was to be openly manifested, was of a singular and, to outward appearances, almost trivial kind; and Wentworth's conduct in respect of it, were it not to be interpreted with constant reference to the circumstances of the war which he was then waging with the territorial aristocracy of Yorkshire, might seem to show him as unnecessarily tenacious of official dignity. Hence it is needless to say that it has been so represented by those who in his own and later times have studiously denied to his conduct the benefit of fair explanation by his circumstances.

One day, while the Lord President was sitting in full council, a young man of the name of Henry Bellasis, the son of Lord Fauconberg, entered the hall without making the customary obeisance to the King's representative. This might possibly, and, indeed, would probably have passed for an accidental oversight on the young man's part, had not his subsequent conduct appeared to indicate a deliberate and intentional disrespect. But when, at the close of the Council, the Lord President rose and quitted the hall, it was observed that Bellasis alone of all who were present omitted to uncover his head. So open a slight as this was not safely to be overlooked by

a man who knew himself to be surrounded by a whole host of enemies belonging to the offender's order, and watching eagerly for any sign of weakness or wavering on the part of their hitherto unflinching ruler. Wentworth reported Bellasis to the Privy Council, and he was forthwith summoned to London. There the youth, it would seem, behaved, or tried to behave, with much the same insolence as he had shown at York. He appeared before the Council with a large stick in his hand, and just as he had omitted to uncover to Wentworth, so he neglected the ceremony of kneeling to the assembled Lords. He did not dare, however, to justify his offensive conduct at York, but pretended, like a saucy schoolboy brought to book by a master, that his rudeness was unintentional. He was engaged, he declared, in conversation with Lord Fairfax when the Lord President rose to leave the Council Chamber, and had not noticed his departure. When directed, however, by their Lordships to make an acknowledgment before the Council at York that no disrespect to their President had been intended he refused to make any such public declaration, and was committed to the Gatehouse Prison. After a month's detention he signified his readiness to make the required submission, if it were understood to be offered to the place, and not to the person of the Lord President. Wentworth, who was present, disclaimed any wish to take cognisance of the affair as an offence to himself personally. He had even asked his Majesty, he said, to excuse Bellasis from repeating the acknowledgment at York. As, however, the young man had chosen to draw this distinction, he could interfere no farther in his behalf. Bellasis, accordingly, had to make his sub-

mission in York as well as in London, and thus closed an incident which, even from this brief review of it, will be seen to have been outrageously caricatured by those who have cited it as a proof of Wentworth's imperious disposition. At no time probably would it be safe or wise, even if it were consistent with due respect for the source of his authority, for a high officer of the Crown to submit tamely to the slight which had been publicly put by this youth on the President of the Northern Council. At Wentworth's time, when external ceremonies counted for even more in the maintenance of authority than they do now, and in Wentworth's position, knowing as he did that the insolence of young Bellasis was, so to speak, of a strictly representative character, even if he had not been actually set on by older heads than his own, to have treated the matter lightly would have been imprudent in the extreme. And Wentworth's subsequent conduct in London certainly does not show any desire to make an unduly personal matter of the affront to his official dignity.

The other of the two recorded instances of collision with the recalcitrant Yorkshire squirearchy was of a far more important kind. Sir David Foulis, the same busy Scotchman who had forwarded to the Court Sir Robert Dudley's suggestions for enabling James to govern like a Turkish Bashaw, and who either for this or other services had been enriched by the royal liberality with a large estate in Yorkshire, took upon himself, though a member of the Council, to incite his neighbours to resist its authority. At a public meeting held to discuss the question of the fines for knighthood, Foulis deplored the degeneracy of the Yorkshire gentlemen, who, though "in time past

accounted and held stout spirited men, had now become more dastardly and cowardly than men of other counties." They "adored Lord Wentworth," he continued, "and were so timorous and fearful to offend him that they would undergo any charge rather than displease him." Yet his Lordship, though much respected in Yorkshire, was at Court "no more respected than an ordinary man." Growing more daring as he proceeded, the malcontent squire went on to charge Lord Wentworth with "having received much money of the country for knighthood-fines by virtue of his commission, and not having paid the same either to his Majesty or the Exchequer." Even this, however, was not all. A certain Mr. Wyville, who had already compounded with Wentworth for his knighthood-fine, was afterwards sued for it in the Court of Exchequer. That Court gave judgment against him, and directed Sir Thomas Layton, the Sheriff of Yorkshire, to levy the fine on his goods. Wyville complained to Wentworth, who immediately summoned Layton to appear before the President and Council at York. Foulis advised Layton not to obey, and was skilful enough to base his advice upon grounds which went to the very root of the great national controversy then waging. The Court of York was, he said, a mere "paper court," owing its authority to the King's commission. Even an ordinary justice of the peace (such as he himself was) held a higher status, in that he derived his jurisdiction from Act of Parliament.

Wentworth took up the challenge with all the swift resolution of his nature. Within three days Layton was arrested and imprisoned for contempt of court, and Foulis, summoned before the Council of York, was com-

mitted for trial before the Court of Star Chamber. "You best know, my Lord," wrote Wentworth, in one of his profoundly interesting and characteristic letters to Lord Carlisle, "how much the regal power is become infirm by the easy way such have found who with rough hands have laid hold upon the flowers of it, and with unequal and swaggering paces have trampled upon the rights of the Crown, and how necessary examples are (as well for the subject as the sovereign) to retain licentious spirits within the bounds of sober humility and fear. If men, who have behaved like Foulis, do not taste of the rod, it will be impossible to have his Majesty's Council here to be obeyed. Of course the man cries out of oppression; they all do. My Lord Fauconberg (the father of young Bellasis) did the same, and your Lordship (Carlisle) heard with what reason or truth." As to his own action, Wentworth knows well that that will be jealously scrutinised, but he does not fear the result. "Content, in the name of God!" he cries,

"Let them take me up and cast me down. If I do not fall square and, to use a term of art, paragon in every point of my duty to my master—nay, if I do not fully comply with that public and common protection which good kings afford their good people, let me perish, and let no man pity me. In the meantime none of these clamours or other apprehensions shall shake me or cause me to decline my master's honour and service, thereby to soothe these popular frantic humours, and if I miscarry this way I shall not even then be found either so indulgent to myself or so narrow-hearted towards my master as to think myself too good to die for him."

With this tragically prophetic protest Wentworth goes on to declare, what impartial critics of this day have no difficulty in believing, that he had no personal ill-will to

Foulis, having been hitherto "known to this gentleman only by courtesies." And then, in a passage of the highest possible significance, he adds:

"I bear no malice to his person, or at all consider my own interests in this proceeding, which in truth are none at all, but simply the honour and service of his Majesty, and the seasonable correcting an humour and liberty I find reign in these parts of observing a superior command no further than they like themselves, and of *questioning any profit of the Crown called upon by his Majesty's ministers which might enable it to subsist of itself without being necessitated to accept of such conditions as others might vainly think to impose upon it.* 'Tis true this way is displeasing for the present, lays me open to calumny and hatred, causeth me to be by some ill-disposed people, it may be, ill-reported; whereas the contrary would make me pass smooth and still along without noise; but I have not so learnt my master, nor am I so indulgent to my own ease as to see his affairs suffer shipwreck whilst I myself rest secure in harbour. No, let the tempest be never so great, I will much rather put forth to sea, work forth the storm, or at least be found dead with the rudder in my hands; and all that I shall desire is that his Majesty and my other friends should narrowly observe me, and see if ever I question any man in my own interests but where they are interlaced as accessories,—his Majesty's service, and the just aspect [*i.e.* regard] towards the public, and duty of my place [being] set before them as principal."

It may be doubted whether any other man ever managed in so few words to throw so strong a light upon his character, convictions, and career as does Wentworth in this brief passage. It reflects his chivalrous devotion to his master, the utter fearlessness of his nature, and the absolute sincerity of his purpose. Wentworth was capable—or so I at least believe—of using the parliamentary arts of faction for the purpose

of compelling an unfriendly minister to recognise his claims to power; but no man could be further removed from those Dugald Dalgettys of politics, of whom our subsequent history has supplied so many unlovely examples. He had to force himself into command in the ranks of the monarchical party, but his heart was always with their cause. He was firmly persuaded that the only way of safety for England, or perhaps of prosperity for any State, was to strengthen the power of its visible chief of the Executive, and to that end to overcome the resistance which any man or body of men among his subjects might offer to the exercise by him of any of the prescriptive prerogatives of his office. In the opposing theory, which measured the strength and well-being of States by the extent of the actual participation of the people in the work of Government—or (if that be thought too developed a form of the democratic theory) by the amount of popular consent collectively given through a parliamentary assembly to the acts of the ruler—Wentworth had no belief whatever. The upholders of that theory consisted in his opinion either of mere disorderly *frondeurs*—men whose "humour and liberty" it was to "observe a superior command no further than they like themselves," or else (in words which I have above italicised as clearly aimed at his former associates in the House of Commons) of men vainly seeking to "impose conditions upon the Crown, and to that end questioning any profit of the Crown which might enable it to subsist of itself." Against both these classes, against the subjects who would not be ruled, and against the subjects who were themselves seeking to rule, Wentworth proclaimed war to the knife

—determined to give ground neither for fear or favour, neither to "please or soothe the popular frantic humours" of these enemies of authority, nor to avoid that death which, as he pathetically says, he would not be found so indulgent to himself or so narrow-hearted towards his master as to think himself too good to die.

This does not mean, however, that Wentworth's resolve to overcome these opponents of the royal authority or perish, no man pitying, was of the same kind as that of the Oriental satrap who endeavours to reduce a people to complete servitude under the yoke of his despotic master. From many other such passages as these two which occur in this pregnant extract—in one of which he speaks of the necessity of restraining the licentiousness of anarchy "as well for the subject as the sovereign," while in the other he pledges himself not only not to fail in any point of his duty to his master, but fully to "comply with that public and common protection which good kings afford their good people"—it is to be seen that Wentworth identified the happiness of the people with the vindication and establishment of the power of the Crown. To regard him as a mere courtly oppressor, uprooting popular liberties to please a royal patron, is the grossest of errors. It is even erroneous, I think, to deny to Wentworth all appreciation of the value of the democratic principle of founding government on "the assent of the governed." It appears to me that he prized this assent and reckoned on securing it; only he refused to admit that the assent of an elective assembly —or at least of such an assembly as his own experience had familiarised him with—was equally necessary, or equally possible to be secured by the governor. All

good citizens, he contended, all men who feared God, honoured the king, dealt justly by their neighbours, and wished to see their country strong, prosperous, and peaceful, would approve the policy which he was pursuing; and that was enough for him. That it failed to meet the approval, or even that it excited the violent resentment of the majority of a certain so-called representative body sitting at Westminster, was to his mind no proof whatever that it did not commend itself to the better mind of the nation. Upon the theory of government which achieved its final triumph about a century after Wentworth's death, the proposition that the will of an elective assembly need not represent the better mind of the nation is not so much a heresy as a contradiction in terms. But considered as a working principle, the extent of its acceptance has varied widely at various times. In Wentworth's own day the doctrine that a country or nation at large might be wiser and more honest than its Parliament was accepted by many a man of more moderate views and less ardent Royalism than his; and in our own day it is admitted, at any rate as a pious opinion, by a constantly increasing proportion of a political party which would assuredly have rejected it without hesitation fifty years ago.

To return to Foulis. Dismayed by the vigorous action of the Lord President, his late assailant thought it better to compromise. He sought a private interview with Wentworth, but was refused. Then he turned to Whitehall and endeavoured to gain the ear of the King. He promised if Charles would interfere in his behalf to "lead and persuade others." He would "by his example much better the king's service," whereas much harm

might be done by his disgrace. No officer of State ever much relishes an attempt to appeal over his head to his sovereign; but in this case the character of the appeal itself was calculated to excite Wentworth's strongest indignation and contempt. Here was a man actually proposing a bargain to his king and offering to compound for past disobedience by procuring the future obedience of others as deserving of the rod as himself. It was as though a highwayman should demand an acquittal in consideration of promising to use his good offices with other knights of the road, and to prevail upon them to allow the king's subjects to use his highways henceforth in safety! Nay, the case was one of worse impudence; for there was no reason to believe that Foulis had any influence to lend to the King's cause. "Where," asks Wentworth in a letter to Carlisle, "are those he can lead or persuade? . . . Lord! with Æsop's fly upon the axle-tree of the wheel what a dust he makes! Why could not the man perceive that his Majesty shall contribute more to his own authority by making him an example of his justice than can possibly be gained by taking him in again?" But it was only another example of an arrogance of late grown frequent and intolerable. "Every ordinary man must put himself in balance with the king as if it were a measuring-cast [1] betwixt them who were like to prove the greater

[1] Perhaps in the general disuse into which the ancient and stately game of bowls has fallen, the force of this metaphor may not be at once apparent. A "measuring-cast," then, is one by which the bowls of two players are left at such nearly equal distances from the "jack" that the difference if any between the two distances is undiscernible by the eye, and the services of the measuring wand have to be called in. "It will go near to be a measuring-cast between

losers upon the parting. Let me cast then this grain of truth in and it shall turn the scale. Silly wretches! The king's service cannot suffer by the disgrace of him and one-and-forty more such. The ground whereon Government stands is not so easily washed away; so the sooner we unfool ourselves of this error the sooner we shall learn to know ourselves and shake off that self-pride which has to our own esteem represented us much more considerable than indeed there is cause for."

Wentworth prevailed. Charles, if he had ever felt disposed to waver, which is doubtful, as Foulis's offer was not a particularly seductive one, was impressed by Wentworth's firmness in the matter, and declined to interfere in the prisoner's favour. He was duly tried by the Court of Star Chamber, and on being found guilty was expelled from his office under the Crown, fined £500, and imprisoned in the Fleet, where he remained till his liberation by the Long Parliament some nine years afterwards.

In this case Wentworth did not exercise the same forbearance which he had shown in that of Bellasis. He personally exerted himself to procure Foulis's conviction, and the method of procedure adopted by him gives a curious picture of the morals and manners of judicial bodies, if indeed the Star Chamber can be so described, at that era. Wentworth writes in the coolest fashion to Lord Cottington, Chancellor of the Exchequer, a member of the Court before whom the prisoner was to be tried, to "recommend himself to his

us," was Raleigh's retort when Coke taxed him with pride at his trial. "There you run me hard, Mr. Attorney," a modern prisoner would have said.

care"—a care which was of course to be shown by convicting Foulis. He then proceeds to prescribe the judgment. "You will certainly declare the undoubted right and prerogative of the king, etc." And later on even the sentence: "I protest to God if it were in the person of another I should, in a cause so foul, the proof so clear, fine the father and his son, Sir David and Henry Foulis" (the younger Foulis had been implicated with his father in the charge) "in £2000 a piece to his Majesty, and in £2000 a piece damages to myself for their scandal, and they both to be sent down to York, and there publicly, at York Assizes next, to acknowledge in the face of the whole country the right his Majesty hath to that duty of knightings, as also the wrong he hath done me, humbly craving pardon of his Majesty, etc." Lastly, he points out to this judicial functionary a case in which a disdainful mercy might properly be shown: "For Sir Thomas Layton (the Sheriff), he is a fool led on by the nose by the two former, nor was I willing to do him any hurt, and so let him go for a coxcomb as he is, and when he comes home tell his neighbours it was well for him he had less wit than his fellows."

It is impossible not to feel on reading this letter from which the above passages are extracted that, with Wentworth's anxiety for the punishment of a public offender, there mingled some desire for revenge on a private enemy. That he should have privately approached the judges—for he wrote, it is believed, to others—of the tribunal which was to entertain the charge is, of course, shocking to modern notions, though it is doubtful whether it would have by any means so

gravely scandalised the public opinion of his own times. And the step in question belongs to a part of his conduct which probably even the staunchest Tory of our own day would find it difficult to excuse—I mean his high-handed interferences with the jurisdiction of the Courts at Westminster. Even among these acts, however, a distinction has to be drawn. That Wentworth defied prohibitions from the judges at Westminster is undeniable; and no doubt to those who look at the question through the spectacles of the nineteenth century, even this may appear indefensible. But it can only be so represented by begging a question which, though since decided against the Crown by the strong hand of civil war, was then the very question at issue—namely, whether a court, established like the Council at York or the Star Chamber, by a mere exercise of the prerogative, did or did not possess a jurisdiction concurrent and co-ordinate with (it is not necessary to the case, I think, to say superior to) that of the Courts of Common Law and Equity. As the President of one of these prerogative courts, if I may so describe them, Wentworth was logically bound to prevent its jurisdiction being nullified by prohibitions from Westminster, and to defy such prohibitions accordingly. Even to do this would of course be to derogate from the supreme jurisdiction of the Westminster Courts, but their supremacy was, as I have said, the very point in dispute; and that Wentworth ever interfered with their concurrent jurisdiction, or, in other words, that he ever assumed the right to adjudicate on causes of which they were previously and properly in possession, I have been unable to discover. In Wyville's case, as we have seen, the

person whose knighthood-summons was in question had duly compounded for his service before the Council at York, and he showed the Lord President's receipt for his composition-money. The Court of Exchequer, however, ordered the levy of the fine notwithstanding, so that in this case Wentworth was indisputably acting on the defensive. So again with the case of Sir Thomas Gower, a fugitive from the jurisdiction of the Council at York, whom Wentworth's officers vainly endeavoured to arrest in London. Here Wentworth complained to the Privy Council and put the issue clearly enough when he said that the case directly raised the question whether there was to be "a Provincial Court at York or none." For, as he justly says, "unless that Court has in itself coercive powers after it be justly and fairly possessed of a cause" (the proviso appears to show that Wentworth did not claim to over-ride any common-law jurisdiction), "to compel the parties to an answer and to obey the final decrees thereof, all the motions of it become *bruta fulmina*, fruitless to the people, useless to the king, and ourselves altogether unable to govern and contain within the bounds of sobriety a people sometimes so stormy as live under it." The Court at York in short was, if an exceptional tribunal, no more exceptional than the state of things which it was constituted to deal with; and it ought, he argues, to be supported in its jurisdiction accordingly. And he goes on to give singular point to this argument by his skilful reference to the "late business of Malton." This was the case of Lord Eure, who had made an assessment of his estate to be sold for the benefit of his creditors, but who, on the feoffees presenting themselves

with the decree of the Court of Chancery, shut himself up in the family mansion at Malton, garrisoned and victualled it, and prepared to stand a regular siege. Here Wentworth had ordered cannon to be brought up from Scarborough Castle; but it was actually not till a breach had been made in the walls of his castle that this Front de Bœuf of the seventeenth century submitted. Certainly the Lord President might dare without vanity to say: "Had it not been for the little power and credit that is left us here, the injunction of the Chancery itself had been as ill obeyed, as little respected, as either our commission or sergeant in Holborn." The execution of process could have been effected in Holborn, if it had been permitted, without the employment of artillery, and Wentworth may assuredly have thought, without being very unreasonable, that in the county of Middlesex he had some claim on the comity of courts which were so utterly unable to enforce their decrees without his assistance in his own county of York.

CHAPTER VI

THE APPOINTMENT TO IRELAND

1632-1633

It may be doubted, perhaps, whether Charles fully appreciated, or was capable of fully appreciating, Wentworth's great administrative ability in all its various points of power. But we can easily credit him with an adequate recognition of his servant's activity and success in replenishing the royal coffers, and we can understand that it should not take him long to conceive the idea of transferring him to a sphere of government in which his opportunities for rendering this service to his sovereign would be indefinitely enlarged.

As early as 1632 he was appointed by the King to that great office with which, for good and evil, his name is chiefly associated in history—the Lord Deputyship of Ireland. It was not, however, till the year had closed that he even began to make preparations for his departure. The sharpest of the conflicts in which he had had to engage on behalf of his master was waging in 1632, and that year had nearly closed before he could safely look upon the victory as won. His four years' administration of the North had on the whole been strikingly successful, but its period was marked for him by severe

domestic calamities. In September, 1631, he lost one of his children, and in the following month his second and best-beloved wife was taken from him. To her and to his children by her he seems indeed to have been deeply attached. Lady Wentworth's health had always been fragile, and her husband's solicitude about her was apparently so extreme that he was unwilling to leave her. She was wont to accompany him on his journeys to London to attend the Council, but the parents were kept constantly informed of the health and doings of their children by Sir William Pennyman, a member of Wentworth's household, in whose charge they were left. Among the statesman's grave correspondence one comes upon a letter in which he is informed that he need not fear for the due progress of some buildings which were being added to his house at York when he has "so careful a steward as Mrs. Ann," aged four years: "she complained to me very much of two rainy days which, as she said, hindered her from coming down and the building from going up, because she was enforced to keep her chamber and could not overlook the workmen." All Wentworth's references to these children are conceived in the truest spirit of a tender and delightfully playful affection, and his relations with them and with their mother contrast almost as pleasingly with the popular conception of his stern and unbending character as does the "little language" of the Journal to Stella with the harsh and forbidding outlines of the countenance of Swift. In the month of October his wife gave birth to a second daughter, and it was in childbed that she died. The intensity of Wentworth's grief at her loss finds record even in that somewhat bare and bald summary of events

which his secretary, Sir George Radcliffe, has appended to the Strafford Correspondence in the form of Observations on his Master's Life. "I had occasion of some speech with him about the state of his soul several times, but twice especially when I verily believe he did lay open unto me the very bottom of his heart. Once was while he was in very great affliction on the death of his second wife, and then for some days and nights I was very few minutes out of his company."

In January, 1633, Wentworth quitted York to prepare for his removal to Ireland, though he was to retain his title of Lord President, and to exercise a general supervision over the affairs of the North. Ever since his appointment, however, in the January of the previous year he had been busily engaged in acquiring information as to his new sphere of duty. Early in the year he had received a communication from Lord Wilmot, the general commanding the English troops in Ireland, warning him not to reduce, as some of his predecessors had done, the small army by the constant presence of which it was alone possible to carry on the work of government. Nothing, however, was further from Wentworth's thought than the idea of military reduction; nor was his experience as a ruler such as to put him in special need of the warning that he had better come with "the means of enforcing whatever he undertook," as nothing could be done in Ireland "without compulsion." Wentworth was probably of opinion that not much could be done anywhere without compulsion, and he must have had enough general acquaintance with the internal state of Ireland to know that the rule in question applied there with a closer approach to the axiomatic than in any other

part of his Majesty's dominions. What was the then condition of this eternal "house of misrule" into which for a short period and by the sternest methods Wentworth was to introduce order, fear of the laws, and even the beginnings of prosperity, may best be judged from a perusal of the series of questions and answers addressed by and returned to the new Lord Deputy before entering upon the administration of his office.

One of his first steps in investigation was to send a letter to the Lords Justices, requiring them to transmit an exact estimate of the account of revenue to be derived from every possible source in Ireland; to state the proportion furnished by each county, how much had been paid and how much remained unpaid, what debts were due to the Crown and what were its own liabilities. And information was sought on the following points.

(1) They were desired to furnish suggestions how to best maintain the army; how the revenues might be increased and the expenses lessened; and to add to this any advice of their own.

(2) Next, in addition to a general description of the state of the country, to ascertain the condition of the arsenal, the number and quality of the weapons, and the quantity of ammunition.

(3) How the coasts were guarded and what precautions were taken against the pirates with whom the sea swarmed.

(4) The condition of Dublin Castle—a matter concerning the maintenance of due official state, a point on which Wentworth was always very tenacious.

(5) The condition of the Protestant churches, which were said to be very dilapidated.

(6) The state of the official seals.

The replies of the Lords Justices give a lively picture of the out-at-elbows plight in which the unlucky island at that moment was. Wentworth learned from them that the revenue was in so uncertain a condition that it could not be even guessed at. Of the year's contribution of £120,000 promised by the Irish to support the army £106,284 only was paid, leaving £13,000 and odd overdue, the money available for pay of the army till the end of the year being £1300 short, so that it was a matter of urgency to discover some new means of paying a force which the Lord Deputy could not be advised to reduce. The arsenals were miserably deficient, the coasts guarded only by a couple of pinnaces, which the Lords Justices declared were all the country could afford, while they were in daily expectation that some Moorish pirates would swoop down on their coasts and carry away the inhabitants for slaves. As for the Castle it was in a ruinous condition. Its worst parts were those allotted to the lodging of the Lord Deputy, and it could only be rendered habitable by a large outlay. The churches were in such a state that one of them was used as a stable for the Lord Deputy's horses. The seals of office were all of them of the last reign.

Obviously it was desirable to remove power as soon as possible from the hands of an administration under whom matters in Ireland had drifted into such a condition as this. The new Lord Deputy lost no time in procuring a royal order from the King to the Lords Justices requiring them not "to pass any pardons, offices,

lands or church livings by grant under the Great Seal of Ireland"; nor to confer knighthood on any one, or to make any new disposal of military forces, but merely to confine themselves to the administering of civil justice until Wentworth should arrive. His next act was to secure himself a free hand in the government of Ireland when the time arrived to take it up. He accordingly laid before the King in Council a series of propositions principally designed to secure the due concentration of power in the hands of the Lord Deputy, and in particular to prevent the pernicious and generally corrupt disposal of Irish offices by grants procured under the Great Seal of England over the head, and even without the cognisance, of the authorities in Ireland. These, together with four other "private propositions," the most important of which provided for his holding communication with the Crown on revenue matters through the Lord Treasurer only, and on other matters through a Secretary of State alone, without in either case being required to submit his plans to the Council generally, were at once conceded to him.

These, however, had relation merely to the future, and the needs of the present were pressing very urgently upon him. Foremost among these was the necessity of providing for the military service, and to comprehend the full extent of Wentworth's difficulties in this matter it is necessary to look back for a moment to the events of the recent past.

Some four years before, Falkland, Wentworth's predecessor, had been directed by Charles to raise the strength of the army, which had dwindled under the influence of a corrupt and shiftless system to a miserable

tale of thirteen hundred foot and fifty horse, by some four thousand men; and to prevent this new charge from falling on his exhausted Treasury, he commanded the troops to be quartered on the different towns and counties, each of whom was for three months in turn to receive a certain portion of the troops, and supply them with pay, clothes, and subsistence. To avoid this imposition, which was as unpopular in Ireland as it was in England, the Irish people, headed by the Catholic section, which had been the more indulgently treated of the two, and whose members always feared the enforcement of the laxly administered penal statutes, undertook through delegates permitted by Falkland to approach the Crown on that behalf, to make a voluntary contribution of £120,000 to be paid by instalments of £10,000 a quarter. It was the payments necessary to complete this sum which, as we have seen, were reported to Wentworth as not forthcoming, and not likely to be. Nor was this surprising. Among the graces or concessions which had been asked for by the delegates as a return for their promised contribution was the summoning of an Irish Parliament, and this term of the agreement had not yet been fulfilled by the King. The Lord Deputy had indeed issued writs for the summoning of a new Parliament in 1628, but these had been cancelled by the English Council on the ground of their contravention of Poynings's Act, which, as explained by subsequent statutes, provided that no Parliament should be summoned in Ireland till a certificate of the laws to be proposed in it, with the reasons for enacting them, should have been transmitted by the Deputy and Council to England, and the royal license under the Great Seal obtained for holding it. As Falk-

land, without attending to these forms, had of his own authority issued the writs, they were by the English Council declared null and void. Their Lordships' law was of unimpeachable soundness; but perhaps an Irishman might have been excused for thinking that a Lord Deputy ought to have been at least equally well aware of the existence of Poynings's Act.

Upon the recall of Falkland two years later the administration of Ireland devolved upon the two Lords Justices, Lords Ely and Cork, with whom we have seen Wentworth in communication, and who were more unpopular, especially with the Catholics, among whom they proceeded without waiting for orders from home to enforce the penal laws with rigour, than the late Lord Deputy himself. The discontent of the people, the inefficiency of the army, and the embarrassments of the Treasury, were all three at their height when Wentworth's office was conferred upon him. The dilemma in which he was placed was a terrible one, and might well have driven a less resolute and resourceful ruler to despair. Nothing, as Wilmot had frankly warned him, was to be obtained in Ireland without troops to back the demand; but money was necessary to provide the troops, and how get the money without first possessing the weapon which it was wanted to buy? The Irish in their then state of mind were not at all likely to continue their voluntary supplies; to attempt to enforce them with a feeble army appeared desperate. It was impossible for the embarrassed English Court to meet the necessary charges of an increased army, and yet, unless some prompt and decisive measures were taken for overawing the gathering forces of disorder, the distracted island must

speedily become not only useless, but dangerous to the State.

With this combination of difficulties Wentworth dealt in a masterly fashion. The Lords Justices had been all for raising the necessary funds by an unsparing exaction of the penalties imposed upon the Catholics, and Wentworth's first act was to encourage among this portion of the people the belief that this advice would be taken. The King at his instance wrote to the Lords Justices expressing his concern at the state of matters which they had reported to him, and proceeded to add: "If this indeed be the case, I must, as you advise, straiten the graces which I have granted, and, rather than let the army loose on the inhabitants, take advantage of my legal rights and profits." While awaiting the effect of this letter, Wentworth despatched a confidential agent, himself a Catholic, to Ireland, empowered to propose to his co-religionists in that country that they should continue the voluntary contribution for a little while longer, and so avoid the infliction of the penalties, and that the matter might then stand over till the arrival of the Lord Deputy. These adroit tactics prevailed, and the Catholics agreed to raise money for the immediate needs of the Government to the extent of £20,000, payable in four instalments. The sequel of the transaction afforded Wentworth a not unneeded opportunity of showing his future colleagues of the Dublin Council that he intended to be master. To the Lords Justices, who were strongly anti-Catholic, this arrangement was of course very distasteful, and they showed their discontent with it by allowing the royal orders sent to them in pursuance of it to remain in abey-

ance for several months. How this contumacy was dealt with on its coming to Wentworth's knowledge the following extract from one of his despatches will show.

"Pardon me, my Lords," he writes, "if in the discharge of my own duty I be transported beyond my natural modesty and moderation and the respects I personally owe your Lordships, plainly to let you know I shall not connive at such a presumption in you thus to evacuate my master's directions, nor contain myself in silence, seeing them before my face so slighted, or at least laid aside, it seems, very little regarded. Therefore I must on a just contemplation of his Majesty's honour and wisdom crave leave to advise you forthwith to amend your error by entering and publishing that letter as it is commanded you, or I must, for my own safety, acquaint his Majesty with all; and I pray God the keeping it close all the while be not in the sequel imputed unto you as a mighty disservice to his Majesty, and which you may be highly answerable for."

He concluded by directing the Lords Justices to forward to him immediately the books of the Treasury, and we may imagine that this order, at any rate, was obeyed by the Lords Justices with a more dutiful alacrity. The King's letter was promptly published, and proved completely effectual for its purpose. The Catholics were glad to escape the levying of the fines for recusancy, and the Protestants now perceived that it was vain to resist the resolve of their new ruler to compel them to bear their due share of the public burdens. His Majesty's terms were accepted, the four subsidies of five thousand pounds each were promised, and Wentworth, relieved of immediate pressure, had time to mature his plans for securing a permanent revenue.

In the course of this year, between his appointment

to the post of Lord Deputy and the commencement of his official residence in Ireland, Wentworth was a third time married. The lady chosen by him to fill the place of his second and best-beloved wife (whom, however, he had only mourned a year) was of a lower rank than either of her predecessors. She came of no ennobled family, but was merely the daughter of a simple knight. Of this fact, and of the resulting contrast of her position with that of a peer invested with one of the highest dignities in the State, Elizabeth Rhodes must have been painfully conscious, for her first letter to her husband after her marriage seems, from his reply, to have been couched in a strain of humility which would be impossible to the modest confidence of the most ordinary young woman of the present day, even though the highest conceivable attributes of power, genius, and virtue were to meet in the man who had honoured her with his choice. We can hardly, at any rate, imagine its being necessary even for such a husband to reassure his newly married wife in a sentence like this: "It is no presumption in you to write to me. The fellowship of marriage ought to carry with it more of love and equality than any other apprehension. . . . You succeed in this family two of the rarest ladies of their time. Equal them in the excellent dispositions of your mind, and you become every way worthy of anything they had or than the rest of the world can give." Later letters of Wentworth are written in a more familiar and less condescending strain, but throughout there are indications in them of a certain timidity in the letters to which they are replies. The wife's love for her husband, however, if it was not so perfect as

to cast out fear, was strong enough apparently to make the marriage a happy one. Lady Wentworth was devoted to her duties as stepmother, and seems to have thoroughly won the affection of her young charges.

All things were at last in train for Wentworth's departure, and towards the end of July he set out for Ireland. His baggage had been sent forward a month before, but some of it never reached its destination. Three pirate vessels had been on the lookout for it and him—one, the largest, off the Welsh Coast; another, playfully called the *Pickpocket of Dover*, in sight of Dublin; a third near Youghal. The *Pickpocket of Dover* drew the prize. She intercepted a barque from Liverpool carrying goods to the value of £4000, and more than £500 worth of linen belonging to the Lord Deputy. It was "but a cold welcome to that coast," as Wentworth wrote to the Lord Treasurer, but his resentment at the personal loss and indignity which he suffered was less active than his indignation at the public mischief implied in such a scandalous insecurity of our seas. He could not endure the thought that such a "picking villain" as the pirate "should dare to do these insolences in the face of the State and to pass away without control," and he warns Weston that "unless there be a more timely and constant Course held hereafter, in setting forth the Ships for guarding the Coast there by the Admiralty here, the Money paid for that Purpose thence is absolutely cast away; the Farmers of the custom will be directly undone, and the whole Kingdom grow beggarly and barbarous for want of Trade and Commerce." And it was upon the trade and commerce of Ireland, and its capacities of development, that Went-

worth—whom his enemies then and afterwards delighted to represent as a sort of Oriental Pasha with no other idea of revenue than that of a tribute to be raised by *kourbash*. —was already concentrating his thoughts. While waiting at Chester until a ship of war could be despatched to convey him through the pirate-infested Irish Sea, he addressed a long despatch to the King, containing the proposal of a commercial treaty with Spain, under which the Spanish fleets trading to the West Indies should provision themselves at the ports of Ireland instead of, as it was then the custom to do, at Hamburg. So far, indeed, was this project matured that Wentworth was able to report the authorised assent of the Spanish Commissioner to the arrangement. It only remained to consider the sorts, quantities, and prices of the commodities to be furnished, and the times and place of delivery—the settlement of which matters was allowed to await the fuller information to be obtained by the Lord Deputy on reaching Ireland.

Another and more memorable idea of Wentworth was that of introducing the cultivation and manufactory of flax and hemp, though he coupled it with the recommendation as to the Irish woollen industry which was adopted to the enduring loss of both countries little more than half a century later. But the language in which Wentworth enunciates both these and his former proposals shows he was no more unmindful of the prosperity of the lesser than of the greater country, and that his worst counsels were due not to "brutal Saxon" indifference to the interests and needs of Ireland, but merely to erroneous views, shared with him of course by all his contemporaries, of the best way of securing

the common welfare of the two communities on either side of the Irish Channel. "Ireland," he said, in speaking of the first of his schemes, "seems now only to want foreign commerce to make them a rich, civil, and contented people, and consequently more easily governed by your Majesty's ministers under the dictate of your wisdom, and the more profitably for your Crown, than in a savage and poor condition." And on the question of domestic industries, he says that if the project of flax cultivation and hemp manufacture can together with his other undertakings be carried out, "I will hope to leave your subjects there in a much happier condition than I found them, without the least prejudice to your subjects here. For this is a ground I take with me, that to serve your Majesty compleatly well in Ireland we must not only endeavour to enrich *them*, but make sure still to hold them dependent upon the Crown and not able to subsist without *us*." This latter purpose was to be effected by wholly laying aside the manufacture of wools into cloth or stuff there, and by furnishing them from this kingdom, and then making his Majesty sole merchant of all salts on that side. "For thus," he goes on in a spirit which to the modern democratic friend of Ireland seems cold-blooded enough, but which probably would not have shocked the stoutest champion of popular liberties in these days, up to and including King Pym himself, "for thus shall they not only have their clothing, the improvement of all their native commodities (which are principally preserved by salt), and their victual itself from hence (strong ties and enforcement on their allegiance and obedience to your Majesty), but a means found, I trust, much to advance your Majesty's revenue

upon salt and to improve your customs." Such is the plain history of Wentworth's often denounced counsels in the matter of the Irish woollen industry. The reader can judge for himself how far they reflect personal discredit on the counsellor, and how far the responsibility for them is traceable to the benighted economics of his day.

Before July was over Wentworth had crossed in safety to Dublin, and on the third of the month he was able to report to Secretary Coke the result of the first meeting of his Council. The second was one of considerable importance as indicating the relations which were to subsist between the new Lord Deputy and his advisers. Wentworth began by asking them how they proposed to provide for his Majesty's army. "They strained courtesy," he says, "a pretty space"; that is to say, they prolonged their silence to the extreme limits of politeness; and then Sir Adam Loftus, son of the Chancellor, proposed the continuance of the voluntary contribution for another year, and that a Parliament should in the meantime be summoned. After this "followed again a great silence," and then Sir William Parsons, Master of the Wards, spoke to even less satisfactory effect. For he actually intimated a doubt whether "they at the Board could bind the kingdom in general," and he appeared to hint that the payment of the army might be in a great part supplied out of the royal revenue, which he knew even better than the Lord Deputy himself, observes the latter, to be impossible. This was too much for their masterful President. "I was then put to my last refuge, which was plainly to declare that there was no necessity which induced me to take them to counsel in

this business, for rather than fail in so necessary a duty to my master, I would undertake upon the peril of my head to make the king's army able to subsist, and to provide for itself amongst them without their help." He had asked their advice, first, that they might share in the honour of aiding the King, and secondly, that they might as representing the Protestants make a voluntary offer of a contribution from that body, as had been made by the Catholics the year before. If they did this, he would, in forwarding their offer, communicate also to his Majesty their desire for the convocation of a Parliament.

This judicious mixture of threat and conciliation had the desired effect. "They are so horribly afraid," reports the Lord Deputy grimly, "that the contribution money should be set as an annual charge on their estates that they would redeem it at any rate; so as upon the name of a Parliament it was something strange to see how instantly they gave consent to this proposition with all the cheerfulness possible." The cheerfulness, indeed, was not confined to the Council Board. It was exhibited throughout the whole Catholic population of the kingdom, by whom the prospect of a Parliament was eagerly welcomed; while to Wentworth himself the idea was by no means a distasteful one. He saw that, by skilful management—and he felt justly confident of being a better manager of parliaments than his master—he would be able to place his administrative charges, whether military or civil, but especially the former, on a surer and more settled basis than he could ever hope to obtain for them through a Council on which, as he told Charles, there were only two men whom he could trust—his

kinsman, Sir Christopher Wandesford, Master of the Rolls, and Sir George Radcliffe, his secretary, afterwards his biographer, for whom he had by special request to the Crown procured admission to the Council Board. He was fully aware of the King's repugnance to the proposal, and he contented himself with describing it in his despatches to Secretary Coke as one "without doubt to be very weightily considered," and suggested that he should debate the question with Wandesford and Radcliffe, and give his more matured opinion later on.

Meanwhile there was one measure of relief to the embarrassed administration which was a simple matter of executive vigour and address, and which Parliament could neither help nor hinder. This—the liberation of the narrow seas from the maritime brigandage against which the infant commerce of Ireland was struggling in vain for development—he determined to set his hand to at once. The pirates should be taught what it was to rob a Lord Deputy of his household effects, and blockade the King's representative himself for weeks in an English port. But it was not only piracy in the strict sense of the word with which he had to deal—it was privateering also. Holland and Spain were at war, and the respective privateers, real or pretended, of the two States, commissioned nominally to prey upon each other's commerce, placed in many instances a liberal interpretation on their letters of marque. They were not above bringing-to and plundering a neutral merchant-ship when occasion and impunity presented themselves, and the fear alone of this fate was sufficient to confine Irish traders to their ports and paralyse the spirit of mercantile enterprise. As yet, of course, Wentworth

possessed no naval authority, and could not act directly in the matter. He had two sufficient ships at his disposal, the *Antelope* and the *Whelp*, commanded fortunately by two able and daring seamen, Richard Plumleigh and Beverly Newcomen, both afterwards knighted for their services in this regard; but for long he could get neither the pay nor the provisions which had been promised him by the Admiralty for their crews. It took Wentworth some time and much energetic remonstrance to stir up the department to its duties, and when this feat was accomplished the crews were at first inefficient. Plumleigh, however, was a naval disciplinarian of the old school. "I am forced still," he writes Wentworth, "to make bold with the gallows, for nothing else will put life into an Irishman or quicken him with speed." But by these and other means his operations attained to so remarkable a smartness that, vigorously seconded by Newcomen, and loyally supported by Wentworth, who took care to keep his maritime thief-takers efficiently supplied, he succeeded before another year was over in sweeping the flag of piracy from the Irish coasts.

CHAPTER VII

THE IRISH PARLIAMENT

1634–1635

By or before the beginning of the year 1634 the Lord Deputy had definitively made up his mind that an Irish Parliament ought to be summoned, and on January 22nd he addressed to the King and the English Privy Council an elaborate memorandum, setting forth in detail his reasons for recommending the step, and the accompanying measures of policy whereby he hoped to develope the inherent advantages, and avoid or disarm the possible dangers, of the project.

In the first place, and with a view of removing what he knew would be Charles's strongest objection to the step, he insisted strongly on the wide difference between an English Parliament at liberty to take up any subject, or to propound any legislative measure it pleased, and an Irish Parliament which, under the restrictions of Poynings's Act, could occupy itself only with such matters as were submitted to its deliberations by the Privy Council.

As to the question whether the meeting of an Irish Parliament thus shown to be negatively unobjectionable would also be positively advantageous, Wentworth

deemed it sufficient to point out the precarious condition of the existing revenue, the urgent necessity of making some permanent provision for the expenses of administration, and the expediency of trying the more popular method of doing this before resorting to mere naked coercion. As more than the amount of the public charges had been spent on the internal establishment of Ireland, and the burden hitherto laid upon that country had been extremely light, the King had a strong claim upon its liberality. Moreover, what might be denied by their gratitude was to be expected from their fears, since they were under a serious apprehension that the voluntary contribution, already levied for several successive years, might be converted into a hereditary charge.

If these grounds were held sufficient to warrant the summons of a Parliament, then there were further reasons why that step should be taken at once. If deferred till the term of the last voluntary contribution should be drawing to an end it would appear to proceed from necessity; the Parliament would be emboldened to add conditions, "and conditions are not to be admitted with any subject, much less with this people, where your Majesty's absolute sovereignty goes much higher than it is taken (perhaps) to be in England."

Next, as to the means by which the King might escape the necessity of confirming the more obnoxious to him of those "graces" or concessions which had been demanded of the Crown in Lord Falkland's time. This Wentworth proposed to provide against by dividing the Parliament into two sessions, the first of which, in the summer, should be exclusively devoted to the subject of supplies, while the second in the winter should be reserved for the

consideration of the graces. Parliament might be expected, in its desire to conciliate the goodwill of the sovereign, to grant a sufficient supply for the expenditure of three years, and his Majesty might then "enact so many of those graces as in honour and wisdom should be judged equal," and the putting aside of the rest would be "of no ill consequence to other the Royal purposes." There need be no fear that the assembly would prove unmanageable, for the Lord Deputy undertook to procure the return of a nearly equal number of Protestants and Catholics to the House of Commons so as to establish a balance of parties in which his own power would be supreme. The Catholics would be privately warned that if no other provision should be made for the maintenance of the army it would become necessary to levy on them the legal fines. The Protestants would be given to understand that their only chance of getting rid of the voluntary contribution was by consenting to the establishment of a regular revenue. As to the Upper House, Wentworth concluded that his Majesty might reckon on all the bishops, and there were motives enough of hope and fear to prevent any serious opposition from the temporal lords.

To these skilful representations the King yielded. His doubts and reservations, however, appear plainly enough in the marginal minutes of the Privy Council to the memorandum as given in the printed collection of the *Strafford Letters;* and they were still more pointedly expressed in his communications with the Lord Deputy. "As for that hydra," he said, meaning thereby his faithful Commons in Parliament assembled, "take good heed, for you know that here I have found it cunning as well

as malicious. It is true that your grounds are well laid, and I assure you that I have a great trust in your care and judgment, yet my opinion is that it will not be worse for my service though their obstinacy make you break them, for I fear that they have some ground to demand more than is fit for me to give." In other words, they will look, and with some show of reason, for the fulfilment of certain promises which I was weak enough to make, but which were and are too much against my interests for me to make them good.

Wentworth, however, had no misgivings as to his own power of controlling the new force he was about to call into being. He meant to impose his will upon the Parliament: he began by imposing it on his Council. Assembled, in conformity with the provisions of Poynings's Act, to consider the proposals to be submitted to his Majesty and the Council in London as fit to be deliberated upon by an Irish Parliament, the Lord Deputy's nominal advisers were themselves ill-advised enough to imagine that it was their function to offer advice. They ventured to suggest the laws which they deemed necessary to conciliate the Houses; and in regard to subsidies they were of opinion that, instead of money bills being voted in blank, to be filled up at the royal direction, the amounts should both be specified and confined within the strictest limits of necessity. Wentworth at once put his foot down upon these attempted exercises of independence. He reminded them that, as Privy Councillors, it was their duty to study "not what would please the people, but what would gratify the king." His Majesty, he assured them, would admit of no conditions, no bargaining for his favour; he was resolved to procure

an adequate and permanent revenue, and though he was desirous of accomplishing this by a Parliament, he had only chosen that method as "the more beaten path, yet not more legal than if done by his royal prerogative, if the ordinary way should fail him." Should the King be disappointed when he had every reason to expect compliance, then, added the Lord Deputy, "I could not, in a cause so just and necessary, deny to appear for him at the head of the army, and there either persuade them fully that his Majesty had reason on his side, or else think it a great honour to die in the pursuit" of what both justice and piety commanded him to regard as his duty. The threat of resort to this reasoning process—a verbally exact recognition of the *ratio ultima regum*—was backed by a warning appeal to recent history as showing how the irreparable breach between the King and the Parliament had been brought about in England. He told the Council, "as one that held his eyes as open to these proceedings as any one, that to whatever other cause the mischief might be attributed, it arose solely from the ill-grounded and narrow suspicions of the Parliament, and their obstinate refusal to yield to the king that confidence which he so justly demanded of the people." Such language from the man who had again and again encouraged the English Parliament in 1628 to withhold their confidence from the King, and had elaborately justified those "ill-grounded and narrow suspicions" which they showed by refusing grants of supply until Charles had given binding pledges of concessions, was a little too strong. No wonder that when the passage in Wentworth's despatch was read to the English Privy Council Cottington could not refrain from

muttering, *et quorum pars magna fui*, at the sentence in which the contumacious proceedings of the late Parliament were referred to.[1] The comedy of Satan rebuking sin has never perhaps been more gravely enacted.

The next set of persons to be "taught their place" were the Lords of the Pale, with whom it had been customary for the Government to confer before calling a Parliament, and on whose behalf, and as the representative of this claim of theirs, the Earl of Fingall waited a few days afterward upon the Lord Deputy. He was, however, dismissed by the Lord Deputy with a severe snubbing; and their Lordships of the Pale being thus disposed of, it remained only to secure the return of a docile Parliament. Wentworth had to warn the Catholic priests against threatening their flocks with excommunication if they voted for Protestants, such a course being likely to divide the country into a Papist faction and a Protestant faction, and thus bring about a result which, as he justly observed, "is to be avoided as much as may be, unless our numbers were the greater." A sheriff, too, who had shown himself mutinous at the Dublin election, had to be fined in the Castle Chamber and deprived of his office before a sound Protestant representation could be secured for the capital.

On July 15th the Parliament met with all that pomp and ceremony to which Wentworth attached, and justly, so much importance. They were addressed by

[1] *Strafford Letters*, i. 256. The fact that Laud could relate this incident to Wentworth as a good joke certainly appears to suggest not only that Wentworth's early advocacy of popular opinions was not regarded as serious by his later political associates, but that he himself was well content that this should be so.

the Lord Deputy in a speech of much the same tenor as, and, in one important part, in substantially identical[1] terms with, that which he had previously addressed to the Privy Council. He told them that the King had done, and was doing, all that could be done for the benefit of Ireland. The army must be maintained to give comfort and encouragement to quiet minds on their honest occasions, containing the licentious spirits within the modest bounds of sobriety. For this purpose the debts of the Crown, amounting to £75,000, must be paid off, and the yearly deficit of £20,000 filled up. The supply, too, must be permanent, for it "is far below my great master to come at every year's end with his hat in hand to entreat that you would be pleased to preserve yourselves." His Majesty and his predecessor had had but one subsidy from Ireland since his father's accession to the throne—a period during which England had given them thirty subsidies—and "can you be so indulgent to yourselves as to be persuaded you must ever be exempt from your own proportion of the charge living in the more subordinate kingdom? If it should be so, certainly the stars were more propitious to you than to any other conquered nation under heaven." And then again the Lord Deputy repeated to them that warning, which no one was better qualified than himself to deliver, against modelling their conduct on the factious and distrustful behaviour of the last English Parliament.

[1] This circumstance seems destructive of the inference drawn by Professor Gardiner (*Hist.* viii. 49, note) from this speech as being, "from its supposed "extempore" character, "more likely to reveal Wentworth's real nature."

Next day, while the effect of these stern admonitions was still fresh, Wandesford moved a grant of six subsidies. They were voted before the sitting closed, and the Parliament then proceeded to ask that the graces might be confirmed. They were told that so many as were good for them should be made law in the next session. For the present they must content themselves with passing a Bill giving a parliamentary title to the awards of the Commissioners for defective titles—a business of particular importance to Wentworth's financial policy. They submitted, and the session came to an end, though not without the House of Lords requiring a rebuke from the Lord Deputy for assuming, in contravention of Poynings's Act, to consider and discuss certain measures for transmission to England to receive the royal approval. Against this infraction of a statute, than which nothing, he wrote, "ought by his Majesty's deputy to be preserved with a more hallowed care," a protest was duly recorded by Wentworth in the journals of the House.

The conspicuous success which had attended the Lord Deputy's management of the "cunning and malicious hydra" emboldened him to request a favour from his master which would at one and the same time reward his services in the past and strengthen his hands for the future. In the course of the parliamentary recess he applied to the King for the grant of an earldom; but Charles, who was evidently of opinion that as much, if not more, was to be got out of his devoted servant by dangling the prize before him than by bestowing it upon him, replied, with a gracious assurance of his full recognition—in words—of his Minister's merits: "Be confident,"

he continues, "that your services have moved me more than it is possible for any eloquence or importunity to do. So that your letter was not the first proposer of putting marks of favour on you; and I am certain that you will willingly stay my time, now ye know my mind so freely, that I may do all things *a mi modo*." Wentworth received this answer in that spirit of submissive loyalty which characterised all his dealings with his sovereign; but there is evidence in a letter to Cottington that he deeply felt the rebuff. "I am resolved," he says, "to complain of nothing. I have been something unprosperous, slowly heard, and as coldly answered."

He had to meet his Parliament, and to apply himself, unfortified by the mark of royal favour which he had hoped for, to what he knew would be the far more difficult work of conducting its second session. On October 6th Wentworth had forwarded to the King in Council a long memorandum containing a detailed enumeration of the graces promised by the Crown in 1628, with the petition of the Irish Parliament for their confirmation, and the advice of the Lord Deputy and the Irish Privy Council with respect to the mode in which each should be treated. He advised the embodiment of some of these graces in a formal statute; others, he suggested, should be confirmed (and if already in actual operation continued) in the form of instructions to the Irish Executive. Yet others he counselled the Crown to withhold either for the time being or permanently. The new session began on November 4th. On the 27th of the same month the Lord Deputy announced that the whole of the graces would not be the

subject of legislation. He gave no specific reasons, as it had been previously arranged that he should not. He had previously made to the King the chivalrous proposal, accepted by his Majesty with somewhat unchivalrous readiness, that whereas, when the requests of Parliament were to be granted, "the beauty of the act" should be reserved entirely to the sovereign, the odium of refusal should fall wholly upon the Lord Deputy and the Irish Council. The Parliament were accordingly left to conclude that his Majesty's masterful Viceroy had, for reasons of State of his own sole conception, prevented the execution of the royal promises, and they broke out into revolt. The Catholics happened for the moment, through the deficient attendance of their Protestant colleagues, to command a majority, and "rejected hand over head all that was offered them by his Majesty and the State." A Bill to deal with bigamy was refused engrossment by them; a law for houses of correction they absolutely threw out; a measure directed against fraudulent conveyances they would have none of; a bailments' Bill "tasted not with them"; and the Government, in the face of their determined and, apparently, unreasoning opposition, were themselves afraid to proceed with a measure relating to Uses and Wills. The ringleader in the mutiny was one Sir Piers Crosby, a member of the Privy Council, and him Wentworth immediately dealt with by summoning a meeting of the Council and procuring his expulsion from the Board. At the same time he made an urgent appeal to the Protestant members to return to their duties. They obeyed his call, and the original balance of parties was restored. Once more the Government were in possession

of a majority, and by December 14th the Lord Deputy was able to prorogue Parliament with all his measures carried.

Having thus a second time succeeded in impressing his will upon one of these reputedly unmanageable assemblies, it is not surprising that Wentworth should have wished to continue the experiment of parliamentary government. He pressed the King therefore to allow him to continue the Parliament in existence by successive prorogations, and set forth very convincing reasons for being allowed to have his way. The House of Commons, he pointed out, was "very well composed," the Protestants, who were clearly and thoroughly loyal, forming a working majority—an advantage which it might be difficult to secure again if a second Parliament had to be summoned. As at present constituted it would be a good rod to hold over the Popish party, who would perceive that the majority might be used if need were, "to pass upon them all the laws of England concerning religion." And last, and perhaps most important of all, the Parliament would be of great use in confirming, or if due legal proof should fail, of statutorily declaring the royal title to those lands in Connaught, which Wentworth was for financial reasons bent on securing for the Crown. Charles, however, would not listen to the proposal. His only idea of a Parliament was that of a body called into existence to vote money for the Crown, and whose functions were exhausted as soon as the royal coffers were filled. "Parliaments," he said, "are of the nature of cats, they ever grow curst with age: so that if ye will have good of them put them off handsomely when

they come to any age; for young ones are ever most tractable." There was no arguing with prejudice like this; and accordingly after two more short sessions in the following year the Parliament was put off handsomely by a dissolution.

CHAPTER VIII

THE CHURCH OF IRELAND

1633–1634

Now that the great business of revenue was settled for a time, and provision made for the immediate necessities of Government, Wentworth was at leisure to turn his attention to two objects which lay very near his heart. The first, in point of time, though not perhaps in his conception of its importance, to engage his energies, was that of re-organising the Protestant Church in Ireland; the second that of bringing the western province of the island into that closer relation with the English Government which it had been the policy, and, on the whole, the successful policy of Elizabeth and James the First to establish, by successive plantations of English settlers, on the whole of the northern and portions of the eastern province of the kingdom. To the former of these undertakings he was possibly urged in some measure by his close friendship with Laud, but there can be no doubt that the work was congenial to him. The alliance between these two remarkable men was founded as much on identity of opinions and community of political aim as on mutual regard. Laud, as we see from his letters, entertained the warmest admiration for

Wentworth's ability and character, while Wentworth in the same correspondence displays something almost like veneration for the person and office of Laud; and though it is perhaps more difficult for most Englishmen of the present day to sympathise with the latter sentiment than the former, there is no doubt that both were equally genuine. But the firmest bond of union between them was the *idem sentire de Republicâ*. Both believed firmly that the great danger of the time was the growth of a spirit of mutiny and rebellion, alike unscriptural and in the true sense of the word unconstitutional, among the once loyal and obedient English people; and that the only way to repress and ultimately extinguish it was (not to extend, but) to reassert, especially at points on which modern demagogy had dared to question and assail it, the prerogative of the Crown. This was that famous policy of "Thorough," as it was called in their confidential communications with each other—the name probably given to it by Wentworth. Or this, it would be more accurate to say perhaps, was the policy which "Thorough"—in itself an intended description of methods rather than of ends[1]—was designed to carry into effect. The evil with which only "Thorough" could deal effectively was rampant alike in Church and State, and Laud and Wentworth were sensible of the importance of

[1] A too definite and specific meaning is often given to this word, as though it necessarily carried with it some implication of the absolutist theory of government. This, however, is not so. The word is repeatedly used both by Laud and Wentworth to describe merely the prompt and resolute prosecution of *any* policy—the opposite in fact of the method which the Minister and the Archbishop spoke of to each other as the "Lady Mora," and which was personified, it is understood, in the Lord Treasurer Weston.

mutual co-operation in applying their common policy to both. The Archbishop accordingly sympathised heartily with the Lord Deputy's efforts to make his master, as he described it, "as absolute in Ireland as any prince in the whole world can be"; and on the other hand, the Lord Deputy gave his best wishes for the success of that policy of pillory and shears whereby the Primate was endeavouring to restore the discipline of the Church.

It is not surprising that Laud should have felt high satisfaction at the appointment of so staunch an ally to the government of Ireland. If the condition of the Church in England was not to the Archbishop's mind, its plight on the other side of St. George's Channel was ten times worse. No description given of it by any historian contemporary or subsequent could be more vivid and striking than that which Laud received from Wentworth himself, in a letter addressed to the Primate from Dublin on January 31st, 1633-34, and which is to be found at p. 187 of the *Strafford Dispatches*, vol. i. The whole passage, in which the Lord Deputy describes the wretched and scandalous state of things which he found on arriving in Ireland, is most illustrative of the writer's character, and worthy of the most careful attention, as proving, what is indeed attested by his whole career, that his disinterested passion for order and good government was a more powerful motive than any other in the determination of his policy. Any one who wishes to appreciate the distinction between the corrupt and capricious despotisms to which Strafford's system has sometimes been absurdly compared, and that "rule of the ablest for the best purposes" which he really sought to establish, can hardly do better than study

his eloquently indignant description of the despoiled and neglected Church in Ireland.

The first of the manifold scandals crying out for removal was the shocking neglect and sacrilegious abuses of the religious edifices. It was useless, as Wentworth said, to fine the Catholics for not attending church so long as there were no churches to attend. He applied himself with his customary vigour to the re-ordering of this matter. When he arrived in Ireland he found that one of the Dublin churches had served his predecessor for a stable, that a second had been converted into a dwelling-house, and that the choir of a third was used as a tennis-court. The vaults underneath Christ Church were let out as ale-houses and tobacco-shops, so that the people, as he wrote to Laud, were "pouring either in or out their drink-offerings and incense, while we above are serving the High God." These indecencies were speedily put a stop to, and commissions for the repair of the churches were issued all over the kingdom. It is to be remarked, however, and is a striking testimony to Wentworth's sound discrimination between the claims of decorum and those of ceremonialism, that he made no immediate attempt to compel the Irish clergy and congregations to conform to the standard of ritual which Laud was then engaged in enforcing upon ministers and their flocks throughout England. The communion-table placed in the middle of the church, with the congregation sitting round it to receive the Eucharist "like good fellows," as Bramhall ironically reported to Laud, was for the present allowed to remain in its place. At the instance of the Archbishop, Wentworth did indeed compel his colleague at the Council Board, Lord Cork, to

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remove a tomb in St. Patrick's, which he had erected to the memory of his wife on a part of the space on which the high altar had formerly stood; but no general attempt was at present made by him at the compulsory restoration of the communion-tables to their proper places in the chancels. He appears to have thought that the time was not ripe for a forcible reform of ritual, and that it would be better to begin by endeavouring to effect a doctrinal uniformity between the English and Irish Churches. The articles of the latter Communion were by no means to the taste of an English High Churchman, and Wentworth lent himself dutifully, though not as it should seem without some misgivings, to the execution of Laud's scheme for superseding these articles by those of the Church of England.

No private misgivings, however, had at any time the least effect on the unflinching vigour of the Lord Deputy's action, as this very case was destined to show. He appears to have assumed that the Irish Lower House of Convocation would, as became a body whose ecclesiastical superiors had been already bought over to consent to the change, accept the English canons entirely, and without discussion. Great, then, was his astonishment and wrath at discovering that the Lower House had appointed a select committee to consider these formularies, and more, that they had proceeded to examine them, and had actually marked some of them with a "D" for *deliberandum*, in contradistinction to others of which they signified by the letter "A" their immediate allowance. Worst of all they had dared to propose an amendment prescribing the acceptance of the Irish articles by Irish Protestants on pain of excommunication.

Wentworth instantly sent for Dr. Andrews, Dean of Limerick, "who sat, forsooth, in the chair of this committee," requiring him to "bring along" the aforesaid annotated Book of Canons and show it to the Lord Deputy, together with a draft report upon it, which the committee were about to present that very afternoon. "But when," he writes to Laud, "I came to open the book, and con over their *deliberandums* in the margin, I confess I was not so much moved since I came into Ireland. I told him not a Dean of Limerick but an Ananias had sate in the chair of that committee, that at any rate Ananias had been there in spirit, with all the fraternities and conventicles of Amsterdam." Andrews was commanded to leave the book with the Lord Deputy, and strictly forbidden to present the report, and Wentworth, having first invited the attendance of the Primate and the Bishops, summoned the committee the next morning, and rated them soundly for their presumption. "I publicly told them how unlike clergymen, that ought [owed] canonical obedience to their superiors, they had proceeded on their committee; how unheard a part it was for a few petty clerks to make articles of faith without the privity or consent of State or bishop; what a spirit of Brownism and contradiction I observed in their *deliberandums*. . . . But these heady and arrogant courses they must know I was not to endure, nor, if they were disposed to be frantick in this dead and cold season of the year (December), would I suffer them either to be mad in their Convocation or in their pulpits." The upshot of this singular incident was that the terrified ecclesiastics gave in, and that a canon drafted by Wentworth himself, prescribing the acceptance of the English articles, was adopted unaltered

by both Houses of Convocation with only one dissentient —an Abdiel whose name has unfortunately perished. Wentworth was not ignorant, he went on to say, that his stirring in the matter would be "strangely reported and censured" in England; and "the Lord knows," he adds, "how I shall be able to sustain myself against your Prynnes, Pims, and Bens, with the rest of that generation of odd names and natures." He had acted, however, he proceeded, with an upright heart to prevent a breach between the Churches of England and Ireland, and he begged Laud to procure him a letter from his Majesty "either for allowance of what I have done, or of absolution if I have gone too far." As to Dr. Andrews, if Laud thought he was to blame, why not prefer him to the bishopric of Ferns and Laughlin, "one of the meanest in the kingdom," and the emoluments of which were lower than those of his deanery? Both suggestions were acted upon. Wentworth's imperious action received the royal approval. The Dean of Limerick was made Bishop of Ferns, and, before he learnt the value of the see, praised God, in a sermon delivered in Wentworth's presence, for his preferment—"kissing the rod," as his auditor grimly described it in a letter to the Archbishop, like "a good child." "But the best of the jest was," he added, "that now that he leaves the deanery of Limerick, I find that he hath let a lease very charitably to himself contrary to the Act of State," which he would be compelled to revoke, thus enriching his vacated deanery by £60 a year, and at the same time furnishing his lordship with an argument to move those that usurp the rights of the bishopric of Ferns to do the like to him.

And this brings me to the second and even more

important branch of Wentworth's ecclesiastical policy—his energetic and fearless proceedings for the recovery of the alienated temporalities of the Church. Here again he came into collision with Lord Cork, who had contrived to appropriate to himself for a nominal rent the whole of the revenues of the bishopric of Lismore, amounting to £1600 a year. Another sum of £100 a year, which should have been applied to the repairs of the cathedral, went to swell the Earl's income, and the cathedral was in consequence falling into ruins. A suit was at once instituted against him in the Castle Chamber—the Irish counterpart of the English Court of Star Chamber—and Lord Cork was compelled to release these revenues, and was further mulcted in a heavy fine. Sometimes, of course, a difficulty arose from the alienated lands having passed into the hands of an innocent holder, whom Wentworth justly held to deserve more consideration than his guilty predecessor in title; and in such circumstances he appears to have guided the Castle Chamber to decisions which would have approved themselves to a modern court of equity. Where the assignee of one of these irregular leases could be shown not to have recouped himself the amount of the purchase money out of the profits of the land, compensation was to be paid to him; but not so where "the profits had answered him his money"; and in either case possession was to be restored to the bishop. As a concession, however, to the existing tenant the land was then officially valued, and the tenant was granted a twenty-one years' lease at a rent of three-fifths of this annual value and a two years' fine in respect of the beneficial two-fifths surrendered to him. Wentworth

was evidently well pleased with the terms of this settlement, and commended it to Laud as representing more than the Church could ever expect to have "where the common law is Chancellor." It was necessary, however, as he pointed out to his correspondent, to compel the reservation of the three-fifths' rent to the Church in order to prevent corrupt compromises on the part of bishops. One such arrangement, Wentworth reports, had already been made by the Bishop of Killala with one Sir Daniel O'Bryan, whereby the right reverend plaintiff had agreed to accept £26 a year rent as a full satisfaction for the claims of the Church upon certain lands of an annual value of nearly twenty times that amount. "*Si hæc fiunt in viridi in arido quid fiet?*" exclaimed the Lord Deputy, who was fond of quoting from the Vulgate in moments of excitement. "I got notice of it, sent for the Bishop, told him roundly he had betrayed the Bishopric; that he deserved to have his rochet (setting the dignity of his calling aside) pulled over his ears, and to be turned to a stipend of four nobles of a year, and so warmed his old sides as I made him break the agreement, crave pardon, and promise to follow the cause with all diligence." Language as plain, though not, it should seem, quite so "round," was found necessary to be used to the Bishop of Down, who had leased out "the very demesne and principal House of that Bishopric to his own son for sixty years," little or no rent reserved, and had conveyed all his advowsons to the Earl of Antrim, reserving to himself only a life interest in the presentations. Wentworth "made him see his great fault" and undertake to cancel the lease, and revoke the conveyance. The

despatch from which these cases have been quoted abounds with similar instances of the Lord Deputy's vigorous assertion of the interests of the Church. Besides recovering its alienated revenues he sought also to improve them. From the King he obtained a grant to the clergy of all the Crown impropriation, and efforts which in some instances succeeded were made to induce the laity in like case to follow the royal example.

CHAPTER IX

THE PLANTATION OF CONNAUGHT

1635

A FEW weeks after the dissolution of the Parliament in 1635 the Royal Commission of Inquiry into defective titles was issued, and Wentworth set out from Dublin upon his long-cherished expedition against the Province of Connaught. No acts of his Irish Administration, not even the arbitrary and violent proceeding afterwards adopted by him in order to crush a troublesome enemy at the Council Board, provoked more resentment in his own day, and have found fewer defenders in later times, than those by which he was now about to compass the expropriation of the Connaught landowners, and the resumption of their lands to the Crown. It will perhaps be most convenient if before entering upon the various questions, legal or moral, which have been or which may be raised by Wentworth's conduct in this matter, I confine myself strictly to a bare statement of the facts as they actually occurred.

The first county falling to be dealt with was that of Roscommon. Before the formal opening of the Commission Wentworth sent for half a dozen of the principal gentlemen of the county, and proceeded to assure them

that though the King had a clear and undoubted title to the whole of Connaught he was ready to hear whatever argument might be put forward by any of the landowners in defence of their own alleged titles and in bar of the royal claim. An application was made next morning for a postponement of the proceedings on the ground that the parties interested had not had time to prepare their cases. To this request, however, the Lord Deputy refused to accede. Full notice had been given to them by writs of *scire facias* issuing twenty days before from the Court of Chancery, and the inquiry could not be deferred. The Court was then formally opened by the reading of the Royal Commission, and the jury called and sworn. No effort had been made to pack it. On the contrary the Lord Deputy had ordered that "gentlemen of the best estates and understanding should be returned." But his own admission shows that this was not done with the sole intention of insuring the social weight and authority of the jury, but with a view also to the more effectual punishment of any too inconvenient display of their independence. If they were men of quality, and "as much concerned in their own particulars as any other," their verdict in favour of the royal title would be likely to impress their neighbours; but being also men of substance they would be able in the event of their returning what Wentworth would consider a perverse verdict, to "answer the king a good round sum in the Castle Chamber." The Crown lawyers having stated the case the Lord Deputy proceeded to charge the jury. The King's chief motive, he told them, in looking into this his undoubted title was his desire to make the Irish "a civil and rich people," an

end not to be attained by any means so sure and ready as that of a plantation, upon which he had accordingly resolved. His Majesty, however, did not desire to take from them anything which was justly theirs, but in truth to bestow upon them a good part of that which was his own. It was his gracious resolution to question no man's patent that had been granted formerly upon good consideration, and was of itself valid in the law. His Great Seal was his public faith and should be kept sacred in all things. With this conciliatory preamble the Lord Deputy passed to what was intended to be the real gist of his charge, namely, that the verdict of a jury was not in the least necessary to the establishment of the royal title; that a declaration of that title could and would be more promptly obtained by simple appeal to the courts at Westminster; and that the resort to any such tribunal as a jury was, in fact, merely a formality of a complimentary kind. The King "came not to sue them to find for him as needing any power of theirs to vindicate his own right, for without them, where his right is so plain, he could not in justice have been denied possession upon an information of intrusion. The Court in an ordinary way of Exchequer must have granted it on the first motion of the Attorney-General." His Majesty was merely "desirous in these public services to take his people along with him, and to give them a part with him in the honour as in the profit of so glorious and excellent a work for the commonwealth." He was accordingly indifferent whether the jury found for him or no, and had directed his representative to put no pressure of any kind upon them, seeing that if they refused to recognise his title "the path to his right lay

elsewhere so open and fair before him." Then followed a still more significant passage in which Wentworth warned the jury, in effect, that though it would make no difference to the King if they found against him, it might make a good deal of difference to themselves. "As one that must ever wish prosperity to their nation I desired them first to descend into their own consciences and take them to counsel, and there they should find the evidence for the Crown clear and conclusive; next, to beware how they appeared resolved or obstinate against so manifest a truth, or how they let slip forth of their hands the means to weave themselves into the royal thoughts and care of his Majesty, through a cheerful and ready acknowledgment of his right and a due and full submission thereunto. So then, if they would be inclined to truth and *do best for themselves* they would undoubtedly find the title for the king. If they were passionately resolved to go over all bounds to their own will and, without respects at all to their own good, to do that *which were simply best for his Majesty*, then I should advise them roughly and pertinaciously to deny to find any title at all. And there I left them to chant together (as they call it) over their evidence."

Their chanting was, as well it might be with such a precentor, harmonious. They had in fact been told in this last mixture of menace and cajolery that the King's title would be found, in one way or another, and that if they drove him to get a declaration of it by process of Exchequer he would deal with his recovered lands in a manner more profitable for himself but much less favourable to the existing proprietors than if they had dutifully returned a verdict in his favour. Such

a verdict they accordingly returned, appending to it a petition that those who offered their patents should have them "found *in hæc verba* by the jury"—that is to say, should have their terms certified, subject to future question as to their validity in law. To this the Lord Deputy assented, observing drily that if the "patents were good, as God knows few or none of them are, it is reason they enjoy them; and if otherwise, the manner of finding them makes them neither better nor worse." In Sligo, and again in Mayo, Wentworth found juries equally amenable to his influence, but in Galway, from the rumours which had reached him, he expected to meet with more opposition. This county was wholly under the influence of Lord Clanricarde, who, or at any rate whose servants, wrote Wentworth, were very averse to the plantation. "But whether it be so or not," he adds characteristically enough, "I could wish their county would stand out, for I am well assured it shall turn to your Majesty's advantage if they do. For certain it is a county which lies out at a corner by itself, and all the inhabitants wholly natives and papists, hardly an Englishman among them, whom they kept out with all the industry in the world; and therefore it would be of great security if they were thoroughly lined with English indeed."

Wentworth's expectations—apprehensions, in view of the words just cited, they cannot be called—were abundantly realised. The case for the King was set out before the Galway jury with no less, and even, it was alleged by the Chief Commissioner, with more clearness than in the other three counties, and was met by no better arguments than it had there had to encounter. In short, "the

royal title was made out in such a manner as appeared most just, honourable, and unquestionable to all equal-minded men that heard us." Yet the jurors with two exceptions "obstinately and perversely refused" to find for the King. Of their attitude there were, according to Wentworth, three explanations. In the first place, there was hardly a Protestant freeholder to be found to serve on this or any other occasion in the county. Nearly all were Catholics, who took no step without consulting the priests and Jesuits. In the next place, the counsellors at law, by whose advice the jury were believed to have been much influenced, were all of them Popish recusants. And thirdly and lastly, and most important of all, there was ample evidence that Lord Clanricarde had exerted his immense authority to compel the jury to find as they did. Among other less conclusive reasons for believing this, the Lord Deputy referred to the fact that Lord Clanmorris, the nephew of this territorial magnate, appeared openly before the Commission of the county; that the Earl's principal servant and steward, John Donellan, sat on the jury and "guided the rest which way he pleased"; that Richard Bourke of Derrimacloghlin, another nephew to the Earl and also one of the jury, had the unaccustomed and insufferable boldness to "pull by the sleeve" one of the jurors whom the Commissioners were interrogating, thereby "labouring to divert the said juror from declaring that his conscience led him to find for his Majesty"—an attempt to "outface all justice and the royal authority," for which the Commissioners thought it just and necessary to fine the offender £500; and lastly, that with the exception of the two who found for the King, most of

the jurors were of the Earl's kindred or near alliance, or were dependent on him.

But whatever its cause, the contumacy of Galway was in the Lord Deputy's opinion both scandalous and convenient; and he accordingly made up his mind at once to punish and take advantage of it. The Sheriff of the county was at his direction promptly fined £1000 for "returning an insufficient and as we conceived a packed jury," while the jury themselves were bound over to appear in the Castle Chamber, where they were sentenced to pay a fine of £4000 each. Wentworth then went on, in accordance with his previously expressed views, to advise the King to seize at once upon the opportunity here offered him. The Commissioners had already warned the other landholders in the county by proclamation not to associate themselves with the contumacious jurors, but to send in their recognition of the royal title by a certain fixed date if they wished to have their own possessions or any part thereof confirmed to them. And, subject to his Majesty's sanction, Wentworth had already ordered proceedings to be taken in a "fair and orderly way by an Exchequer proceeding to seize for his Majesty the lands of the jurors, and of all that should not lay hold on his Majesty's grace offered them by the proclamation." Further, the Lord Deputy earnestly recommended that this particular course should be persevered with, whatever attitude might be taken up by the recalcitrants. No submission, he urged, should be accepted from Clanricarde, since to do so might suggest that he was able "to contribute some strength to that which we can do without him, and thus lay an obligation on his Majesty." He should, on the

contrary, be kept at arm's length, and it was advised that unless he personally "came in" under the proclamation within the prescribed time he should not be admitted to its benefits at all. It was, moreover, advisable that until Wentworth's work in Galway was accomplished, neither Clanricarde nor his son should be allowed to return to Ireland, where their presence might interfere with the Lord Deputy's proceedings. And to secure his policy against any risk of popular resistance the Lord Deputy advised that the fort of Galway should be repaired, and garrisoned with four or five companies of infantry; that a troop of cavalry should be despatched to Athenry, and the town itself put in a posture of defence; and that the companies under command of the Earl and the Earl's son, should be quietly removed from their present garrison in that county and have other places assigned them elsewhere. Wentworth also asked that his existing force of cavalry should be strengthened, with the special view of encouraging the first English settlers and protecting them against the depredations of the native Irish. Lastly, he recommended that Lord Clanricarde, who had heretofore exercised over Galway an authority so large and independent as to be little less than that of a Count Palatine, should be deprived of his presidential power, and that the county should be reduced again under the provincial government of the President of Connaught.

The Lord Deputy's counsels were acted upon in every detail. The army was reinforced, the fort of Galway repaired, the offenders punished, and the fine already inflicted approved. The royal title was declared good by Exchequer process, and an Act in Council passed

ordaining that those who were possessed of lands in the several counties of Connaught in virtue of letters-patent from the Crown should enjoy their estates on production of their patents or the enrolment thereof at the Board before the first day of the next Easter term, and on these being duly found valid.

A certain number of such patents were produced, but, as might have been expected, many, if not most of them, failed to satisfy the Council of their validity. Some, perhaps, may have been originally bad or defective, but probably the much larger number had been invalidated since the grant by a failure of the conditions under which they were granted. It is likely enough, indeed, that there were very few Connaught landowners of that day who had not committed some technical act of forfeiture. Upon these petitioners fines more or less heavy were imposed, and thus while the "lining" of Connaught with English settlers was being carried on over the one-fourth of the province retained by the Crown, the other three-fourths were made to contribute handsomely to the Royal Exchequer.[1]

These, no doubt, were sufficiently high-handed proceedings. To defend them from the point of view of modern notions of administrative propriety would be impossible, nor am I concerned to make the attempt. We must have read history very thoughtlessly, or must have very partially judged the events and persons with whom

[1] The most severely treated of the Connaught landowners got off better than one great Ulster proprietor — the City of London, whose plantations in Londonderry and Coleraine were declared forfeit, and the Corporation itself fined £70,000 to the Crown.

it deals, if we have not yet learnt that in the great struggle of the seventeenth century, as indeed in all other such conflicts since the world began, the leaders of parties vehemently bent on securing the triumph of their political principles, and in most cases honestly believing that the highest welfare of the State was bound up in their success, have seldom hesitated about compassing their ends, not only by means which the moral judgment of posterity has condemned, but sometimes even by means which shocked contemporary opinion. Firmly convinced that the redemption of England from democratic anarchy was only to be effected by strengthening the Crown, Wentworth moved straight to his object over all obstacles whatever, and if he found his path obstructed by disloyal and contumacious persons, he scrupled little as to the particular method whereby to brush them aside. Equally firmly convinced that the redemption of England from tyranny and Popery was only to be effected by the overthrow of the English monarchy and the destruction of the English Church, the victorious party did not on their side stick at wholesale confiscations and judicial murder when the hour of their triumph arrived.

It would be idle to undertake the apology of either before the tribunal of modern sentiment and morality. All that I desire to do with respect to this matter of the Plantation of Connaught is, without attempting any defence of whatever may be deemed arbitrary or oppressive according to our notions in Wentworth's proceedings, to inquire how far this characteristic of them extends, and to what particular category of the arbitrary or oppressive it belongs. For of such categories there are obviously

several. There is the oppressive and arbitrary dealing of the Oriental satrap—of the "Turkish Bashaw," to quote an expression of the King's above cited, of the ruler who acknowledges no other law than his own or his master's individual will. There is the oppressive and arbitrary dealing of the ruler who, pretending to act in accordance with a fixed law not variable or to be dispensed with at his own or his master's will, wrests or perverts that law by the coercion or corruption of its administrators to the unjust attainment of his own or his master's ends. And lastly, there is the oppressive and arbitrary dealing of the ruler who, with a genuine conviction that the law is on his own or his master's side, has recourse to coercion or corruption to compel its unwilling administrators to declare it in that sense.

No one probably even in Wentworth's own time would have contended that his behaviour in the matter of the Connaught Plantation amounted to oppression of the first of these three kinds; but most of his enemies of that day would have contended, as not a few of his censors in our own day do contend, that it was oppression of the second kind. It appears to me, on a fair consideration of the question, that it was of the third.

In the first place it has, I think, to be admitted that the King's title to the whole of Connaught was actually good in law. I believe, for my own part,—though, of course, I hazard an opinion on the legal point with all due diffidence,—that merely on the muniments of title set forth in the *Strafford Letters*,[1] as constituting the King's

[1] *Strafford Letters*, i. 454-8.

case before the Commission, a lawyer of the present day would advise that that title was a good one. Not only is it certain, as Wentworth said on opening the Commission, that the Barons of the Exchequer would, if appealed to, have pronounced judgment for the King without hesitation, but it is, I think, extremely probable that judges as completely independent of the Crown as are those of the existing High Court of Justice would have come with equal readiness to the same conclusion. And if that be the light in which the royal claim would present itself to an English lawyer of to-day, we may imagine how absolutely indisputable it must have seemed in the seventeenth century, not to a lawyer, but to an administrator, and above all, to an administrator of the confident and imperious type of Wentworth. There is therefore no reason to question the perfect sincerity of the declaration with which he prefaces the account given in his despatch of the opening of the Royal Commission. He did, no doubt, regard the royal title as "most just, honourable, and unquestionable to all equal-minded men." No doubt he did think that any jury who refused to find it would be "treading shamefully and impudently aside from the truth." And indeed the very procedure adopted by him appears to be proof sufficient that he meant what he said. It was because he regarded the King's title to Connaught as legally so incontestable, that even a jury of Connaught proprietors would be bound to find it, that he had conceived the hope of facilitating, by means of such a finding, his future work in re-settling the province. It was obviously, too, for the same reason—in part at least, for we must not forget the "round fine" aspect of the question

—that he directed the jury to be summoned from the class enjoying substantial means and independent position. So far, indeed, from believing that corruption or coercion on his part would be necessary to obtain the verdict he wanted, he manifestly held that nothing short of corruption or coercion on the part of others could deprive him of it—that mere natural prejudice or perversity could not possibly be strong enough to mislead a body of honest men in so plain a case. When, accordingly, he found, as in Galway, a jury who persisted in a finding adverse to the Crown, he came instantly to the conclusion—probably in the main a correct one—that they were the mere tools of the dominant territorial magnate, Lord Clanricarde—a name of contention in the great land-question of those times, as it is, though for opposite reasons, in that of to-day. And having come to this conclusion, he was not the man to deal with a resistance so unjustifiable in any other manner than with the strong hand. Coercion was to be met by coercion; the power of the landowner by the power of the Crown. And the fining of the jury, scandalous as it would seem in these days, was undoubtedly less shocking to men of that time. A Recorder of London was a much smaller person than a Lord Deputy of Ireland; yet nearly half a century later we find that functionary dealing in much the same fashion with the jury in Penn's case. No doubt it was inconsistent enough on Wentworth's part to turn round upon and chastise the very tribunal to which he had appealed, and the mere act was of course fatal to the object which alone induced him to appeal to such a tribunal at all. But Wentworth probably regarded that as lost already by the contumacy of the

Galway jurors. The mischief was done and was irreparable. It only remained to punish the doers of it, and thereby to warn the people of Connaught in general that the subsequent measures of the Plantation policy would be resisted by them at their peril.

CHAPTER X

THE MOUNTNORRIS CASE

1635

It is needless to say that these proceedings of the Lord Deputy seriously multiplied his always numerous enemies. In November of this year (1635) he was warned by Laud that the adherents of St. Albans (Lord Clanricarde), of Lord Cork, resentful of his expropriation from ecclesiastical estates, and of Lord Wilmot, who had been compelled to surrender Crown property which he had irregularly acquired, were active against him at Court, and were whispering, not unregarded, at the ear of the King. "I know," adds the Archbishop, "you have a great deal more resolution in you than to decline any service due to the King, State, or Church, for barking or discontented persons, and God forbid but you should; and yet, my Lord, if you could find a way to do all these great services and decline these storms, I think it would be excellent well thought on."

At the very time, however, when this letter was received, Wentworth was meditating a step which involved him, and it must be admitted not unnaturally, in one of the fiercest storms of his troubled career. For more than a year past a state of something more than strained relations

had existed between him and a certain member of his Privy Council, Francis Annesley, Lord Mountnorris, then Vice-Treasurer of Ireland. The causes of this ill-feeling were partly, and originally perhaps altogether, of a public character, and so far as this side of the case is concerned, Wentworth stands in no need of defence. There seems no reason to doubt that Mountnorris was a bad specimen of a bad class, that of the extortionate and peculating official. According to Strafford himself, he was also a man of loose and irregular habits—a gambler, too much addicted to preying upon young men of fortune, and not above suspicion of fledging them afresh by means of usurious loans, so as to permit of plucking operations being repeated. As far back as the spring of the previous year the Lord Deputy had had to complain of the illegal exactions of the Vice-Treasurer in taking percentages to which he was not entitled, and he had obtained an order from the English Privy Council to put a stop to the practice. In the winter session of Parliament which gave Wentworth so much trouble, Mountnorris began to assume the airs of an Opposition leader. He had been conspicuous in his hostility to the last Deputy, and Wentworth about this time most likely began to see that it would become war to the knife between them. In the spring of 1635 Mountnorris was detected by his chief in the perpetration of a curiously petty job. He had procured the addition of his name to the list of Comptrollers of the Accounts at an annual stipend of £20 a year, the fact being that it was already his duty to pass all the accounts of the kingdom with certain very insignificant exceptions in his capacity as Vice-Treasurer, and for the salary paid to him in that behalf.

Wentworth objected to his presenting himself with the little sinecure thus created, and quaintly requested in a letter to the English Privy Council that "this new holiday might be struck out of that almanack." The quarrel which had grown up on public grounds between the two men was soon afterwards to be complicated with a bitter private feud. At a review held in Dublin in the spring of 1635 the Lord Deputy came into personal collision with a younger brother of the Vice-Treasurer's, an officer in his regiment of foot, who was present on the occasion. This youth having chanced to draw upon himself a rebuke from Wentworth for some breach of military order, was immediately afterwards detected by him in the schoolboy insolence of "laughing and jeering" at the superior officer by whom he had just been corrected. The Lord Deputy thereupon rode back to him and tapped him lightly on the shoulder with his riding-cane, with a warning to the disrespectful youth that if he repeated such conduct "he would lay him over the pate." Some short time afterwards, at a Court ceremonial at Dublin Castle, another kinsman of Lord Mountnorris, a gentleman usher in-waiting, was unlucky enough to drop a stool on the Lord Deputy's gouty foot. At a dinner subsequently given by the Lord Chancellor at which the conversation happened to turn on this incident, Mountnorris, who was one of the guests, remarked—not very prudently, perhaps—that it might be thought that his relative's clumsiness was deliberate, and intended by way of retaliation for the public affront which the Lord Deputy had put upon him (Mountnorris); but, added the Vice-Treasurer, "I have a brother who would not take such a revenge." These

words, reported officiously or perhaps with interested motives (for it is not immaterial to note that Wentworth afterwards proposed to replace the Vice-Treasurer in his office by Adam Loftus, the son of the Chancellor) to the Lord Deputy, were by him regarded or represented in a most portentous light. He believed, or affected to believe, that Mountnorris's language, instead of being a mere splenetic outburst, imported actual peril to himself as commander-in-chief of the army at the hands of a vengeful subordinate officer. At the very least they constituted a grave breach of military discipline, and should be made punishable as such by military law. He accordingly supplemented his original representations on the subject of Mountnorris's official irregularities with a special complaint of these mutinous, and, as he suggested, menacing words. In reply he received authority from the King in Council not only to inquire into the malversation of the corrupt Vice-Treasurer, but to summon a court-martial for the trial of the insubordinate officer. The two documents respectively authorising these proceedings bear date, July 31st; but it was not till after a lapse of four months that the Lord Deputy proceeded to put either of them into execution. To what cause or causes this delay should be attributed it is impossible to say with certainty, but a plausible explanation of the sudden revival of the grievance suggests itself to which I shall have hereafter to refer. Suffice it to say for the present that Wentworth delayed all action under either of these powers until the beginning of December. On the 12th of that month Mountnorris received a summons to attend the Lord Deputy at a council of war at the Castle. On his arrival he found

several officers awaiting the entrance of the President, but none could tell him what was to be the business of the day. At last the Lord Deputy arrived, and taking his place at the table informed the Council that they had been summoned to sit as a court-martial on Mountnorris. The language used at the Chancellor's dinner had broken two of the articles of war by which the army was governed. By one of these it was ordered that no man should "give any disgraceful words or commit any act to the disgrace of any person in the army, or garrison, or any part thereof, upon pain of imprisonment, public disarming and banishment from the army." The other regulation was directed against graver offences and invested with a sterner sanction. It ordained that "no one should offer any violence [to ?] or contemptuously disobey his commander, or do any act or speak any words which are like to breed any mutiny in the army or garrison, or impeach the obeying of the general or principal officer's directions, upon pain of death." Under both these articles, the 41st and the 13th, Wentworth demanded sentence against Mountnorris. He had been publicly disgraced, in the sense of insulted, by Mountnorris's account of the incident at the review, while the words relating to the brother were to be regarded as an incitement to that brother to take a more serious revenge for the alleged affront inflicted upon him than the mere dropping of a stool on the Lord Deputy's foot.

Staggered by the attack so unexpectedly made upon him, Mountnorris at first hesitated whether to admit or deny the charge. He prayed that counsel might be allowed to assist him in his defence, but was told that

the practice of court-martial did not allow prisoners the benefit of an advocate. Witnesses were then produced in the persons of Lord Moore and Sir Robert Loftus, the son of the Chancellor, who had heard the words spoken, though they were not "the original relaters of his lordship's discourse" (the Loftuses having, perhaps, thought it more seemly to do their delation by proxy), and who testified to them on oath. On this Mountnorris submitted himself to the judgment of the Court, protesting, however, that his words had been misinterpreted, and that by the words "but he hath a brother that would not take such a revenge," he meant only that he, the said brother, "would die before he would give the Deputy and General occasion to give him such a rebuke." The defence was, of course, desperately weak, inconsistent not only with probability, but with the natural grammar of the incriminated sentence, which was obviously intended to institute a contrast between one of the speaker's two kinsmen and the other, and to convey the distinct idea that the young officer, if he were to avenge himself at all, would take a less unworthy revenge than Mountnorris feared might be imputed to the gentleman-usher.

The Court brushed the plea aside without much hesitation, and finding the prisoner guilty on both counts of the charge, adjudged him for the first offence to be expelled from the army, and for the second "to be shot to death, or to lose his head at the pleasure of the General." Thereupon Wentworth, who had taken no part in the proceedings, but had sat by in silence during the deliberations of the court, proceeded to address Mountnorris. He might, he said, order out the Provost-Marshal at

once to execute the judgment of the court, but he refrained from doing so, and would on the contrary become a suitor to the King for his pardon. "I would rather lose my hand," he added, "than you should lose your head." This said, Mountnorris was committed a prisoner to the Castle under the custody of the constable, and Wentworth two days afterwards transmitted his report of the proceedings to Secretary Coke, together with the promised appeal, in which the members of the court-martial joined, for the remission of the capital sentence. It may well be believed that the other officers subscribed *ex animo* to this appeal. Professor Gardiner appears to think that the conduct of the court-martial is more easy to justify than that of Wentworth, inasmuch as it is, he says, "undeniable that against the letter of the law an offence had been committed." I confess that to me the commission of an offence against the 13th article of war does not seem by any means undeniable. That Mountnorris was guilty of using language offensive to his commanding officer, and so of having contravened the 41st article, and incurred cashiering and imprisonment, may be clear enough. But the capital sentence decreed against violators of the 13th article was reserved for the much graver offence of "doing any act or speaking any words which are likely to breed any mutiny in the army or garrison," and the evidence of this appears to me to be altogether incapable of sustaining the charge. Words let fall at a private dinner-party at the house of a legal functionary, and not only not in the presence of the man whom they were represented as likely to incite to violence, but not, so far as was shown at the court-martial, in the presence of any

other military officer whatsoever, cannot surely be regarded with any show of reason as "likely to breed mutiny in the army or garrison." In the sentence of the court-martial it is said that "the incitement might have given encouragement to the younger Annesley," or to some other "to have taken up resolutions of dangerous consequences"; but this is surely very remote. And again, as to another of the reasons given by the Court (who were manifestly conscious that this part of their sentence needed considerable explanation) for regarding the words as an offence against the 13th article—namely, that they were spoken "when part of the army was in motion, and when there were divers companies of foot and troops of horse in town, and daily in exercising and training, whereat for the most part we, the Deputy, were present, and the town full of people from all parts of the United Kingdom,"—this has little to say to a charge held in suspense over the head of the prisoner for seven months. The event had sufficiently proved that Mountnorris's words, however reprehensible in themselves, had had no mischievous consequence whatever.

The capital sentence against Mountnorris was, of course, promptly remitted by the King, and orders given for his release from imprisonment on his making due submission to the Court. His dismissal from the army was confirmed, and the method of proceeding by court-martial—in itself a manifest abuse of that process under the circumstances—was formally approved of, on behalf of the Council, by Secretary Coke as having "calmed and silenced all those spirits that began to make a noise." The curses, however, if not loud were deep, and the memory of the Mountnorris court-martial was still fresh in the minds

of men when the time came for calling the Lord Deputy to account. To this day it remains one of the least comprehensible acts of Wentworth's Irish administration. It is not its violence alone, but the apparently gratuitous character of that violence which puzzles the student of Wentworth's character. In almost every other instance his acts of arbitrary force were emphatically calculated acts; if they were the roughest they were also the readiest means to his ends; and it is not easy to point out any case in which the force applied was obviously in excess of the requirements of the case. That Mountnorris was intriguing, and perhaps dangerously, against the Lord Deputy may be conceded, and that in mere self-defence it was necessary to crush him. But the proceedings against him for malversation in his office—proceedings which would have certainly ended in his conviction, and which might at the will of his superior be made to result in his disgrace and dismissal—would have completely rid Wentworth of his adversary; and it appears from his despatch of December 14th reporting the court-martial held two days previously, that he had issued a commission under the Great Seal three weeks before to Lord Dillon and others to examine into Mountnorris's misdemeanours; that they had had daily meetings and taken examinations, and were nearly ready to report; and that they had told him that the case opened "foul and very criminally for the Lord Mountnorris"; and that, as they conceived, his best defence would be to throw himself on the royal mercy. Why then, with the game to all intents and purposes won, have recourse to these superfluous military proceedings? Had the result of the civil inquiry seemed uncertain one could

understand the resort to them, but, as has been seen, the very contrary was the case.

If Wentworth's own account of the matter could be considered an unprejudiced one, we might fancy that Mountnorris and not he was the aggressor. He writes in quite an injured tone to Lord Conway on the sentence and on the unfair and uncharitable criticisms which he knows will be bestowed upon it. According to his usual fortune in other matters, people, he expects, will attack him for the "roughness and severity" of his natural disposition. "Howbeit," he adds, "in good faith in my own secret counsels I could to myself never discover these rough hands of Esau they so loudly and grievously lay to my charge, for I dare say that in all the actions of this nature which ever befell me I shall be found still on the defensive part; and if because I am necessitated to preserve myself from contempt and scorn, and to keep and retain with me a capacity to serve his Majesty with that honour becoming the dignity of that place I here by his Majesty's favour exercise, therefore I must be taken to be such a rigid Cato Censorius as should render me almost inhospitable to human kind; yet shall not that persuade me to suffer myself to be trodden upon by men indeed of that savage and insolent nature they would have me believed to be, or to deny unto myself and my own subsistence so natural a motion as is the defence of a man's self."

There is much more of the same sort in a later letter to Captain Price too long to quote. It might be plausible enough if it did not come eight months too late. The "contempt and scorn" from which Wentworth professed to be attempting to preserve himself had been displayed;

the attempt to tread upon him had been hazarded; the "savage and insolent nature" which he denounces had indulged itself as far back as the month of April. It was so long ago as the month of June that he had obtained the royal authority to chastise these outrages. Yet it was not till the month of December that that authority was exercised. One is almost forced to conjecture that between the date of the issuing of the civil commission of inquiry into Mountnorris's malversation (about November 25th), and the summons of the court-martial for December 12th, something must have occurred to quicken Wentworth's resentment against his kinsman (Mountnorris had married a sister of the second Lady Wentworth) to an uncontrollable pitch. Some time in 1635, perhaps between July and December of that year, Mountnorris had proposed to the King a plan of farming certain of the Irish revenues so as to make them yield £20,000 instead of £8000 annually, and it has been suggested that fear of being supplanted in the royal favour—for Wentworth knew as well as Laud, who discusses the incident from this point of view, how much a prospective gain of £12,000 a year might influence Charles—may have inflamed the Lord Deputy's anger. But whatever may have been the exciting cause of that emotion, its presence, and its presence in ungovernable intensity, appears to me to be the only adequate explanation of this passage in Wentworth's career. When Mountnorris took leave of him, "wondrously humbled," in January of the following year, "I told him," writes Wentworth to Conway, "I never wished ill to his estate or person further than to remove him thence, where he was as well a trouble as offence unto me; that being done (howbeit with more

prejudice to him than I had intended), I could wish there were no more debate betwixt us." It had indeed been done with more prejudice, not only to Mountnorris but to Wentworth himself, than the latter had intended, and for the reason which most commonly makes men do what they do not intend. I cannot but think that the summons of the court-martial was resolved upon in a momentary access of violent passion, possibly aggravated by a fit of the gout.

CHAPTER XI

GENERAL REVIEW OF WENTWORTH'S IRISH ADMINISTRATION

1633–1636

THE outcry in England against Wentworth's administration now waxed so loud that he deemed it prudent to repair to Court, for the first time since his appointment, in order to plead his own cause with the King. As usual in such cases, he had to bear the burden of imaginary as well as of real misdeeds. Clanricarde had recently died, and his death was, of course, imputed by the enemies of the Lord Deputy to chagrin at the proceedings with respect to his lands in Galway. If the sentence on Mountnorris was described as an attempt at murder, Clanricarde's death, observed Wentworth bitterly, might at least be made out a case of "homicide by chance medley," though "they might as well," he adds, "have imputed to me for a crime his being threescore and ten years old." As contemptuously, though perhaps with somewhat less of reason, did the author of the Connaught Plantation repudiate responsibility for the death of another party to the transaction. "I am full of belief," he writes, "that they will lay the charge of Darcy the sheriff's death to me." He had died, though certainly

after no very long detention, in the prison to which he had been committed for non-payment of the fine inflicted upon him for the contumacy of the Galway jury. "My arrows," complained Wentworth, "are cruel that wound so mortally;" but he adds characteristically, "I should be sorry the king should lose his fine."

By the month of May he was ready to sail for England; but an east wind set in with a persistence of which to this day it retains the secret, and for three weeks the Lord Deputy's departure was delayed. Meanwhile he was laid prostrate by an exceptionally cruel attack of his old malady. "Blow which way it list," he writes, "I shall not be able to stir these ten days. This fit hath brought me very low, and was unto me a torment for three days and three nights above all I ever endured since I was a man. A few of these will free me from the toils of this life, and a great many from the trouble they put themselves unto to destroy me."

But he was not yet to be freed from his toils, nor his enemies from their trouble. A west wind at last sprang up, his gout subsided, and early in June he was in London ready to face his enemies with the spirit which neither torture nor toil could ever quell. His reception by Charles was highly flattering, as well it might be; for never before, assuredly, can the servant of any monarch have appeared before him with such an account to render,—with such a history of difficulties overcome, of dangers encountered, of obloquy defied, and, as his countless enemies would have said, of crimes committed, in his master's service. It will be convenient in this place, perhaps, to put the reader for the moment in the

position of Wentworth's master, and to render him a brief account of the Lord Deputy's administration in Ireland.

He had, in the first place, redeemed the country from the condition of chronic insolvency in which he found it, and had converted it from a drain upon into a support to the English Exchequer. The finances of Ireland at the commencement of his stewardship showed a regular annual deficit, and there was already nearly £100,000 of debt. In three years he had increased its revenue by £180,000. Formerly the contents of the Treasury had consisted of paper rather than treasure, every shilling due to it being paid away long before it was received. Now the rents were regularly and orderly brought in, the military and civil list duly provided for, every man receiving his money on the proper pay-day, "not scrambling one before another, without so much as giving thanks." And all these improvements, he was able to point out, had been solely his own work. He had received no assistance from the permanent staff of officials in Dublin, who, on his arrival, were simply at their financial wits' end. The only expedient they could suggest for the extinction of the annual deficit of £24,000 was to exact the obnoxious fine on Catholic recusants. Wentworth rejected this proposal, and, nevertheless, found means not only to bring the revenue up to the expenditure, but to establish a surplus of £8500. And he had matured further plans by which £18,000 might be annually saved on the existing expenditure, and £51,000 added to the revenue.

It need not, of course, be said that some of Wentworth's financial expedients would be regarded with dis-

approval by the economists, as others would be condemned by the lawyers, of the present day. But, on the whole, the increased yield of taxation had been accompanied by a substantial advance in the prosperity of the country. The Irish customs, which at his coming only produced £12,000 a year, now yielded £40,000, and were still rapidly advancing. This was in part due to improved methods of collection instituted by him, but it must be credited in chief measure to Wentworth's extraordinary energy of maritime police. His own household effects had, as we may remember, been plundered at the commencement of his administration by the pirates who infested the coasts, and whom the ill-manned and ill-equipped guard-vessels had always failed to hold in check. These robbers had now been swept from the sea, and not a merchant had suffered the loss of a single ship from this cause since the Lord Deputy's arrival. Nor was it Wentworth's fault that trade had not increased yet more, for in many points of his fiscal policy he was in advance of his time, and he laboured for the removal of more than one vexatious and paralysing restraint on Irish production. Of his hand in the destruction of the woollen trade—an injury so bitterly remembered against him by a portion of the Irish people who in these days prefer other and less worthy industries to those which they have now been free to practise, if they chose, for generations—we have already spoken. Against it we may fairly set the invaluable service which he rendered in the introduction of the linen-manufacture—an enterprise in aid of which he had imported flax seed of a superior quality from Holland at his own expense, and busied himself in

bringing over the most expert workmen from France and the Low Countries.

In the next place he had not so much reorganised as created the army of Ireland. He could inform the Privy Council with just pride that he had found the Irish soldiery a half-clothed, half-armed, undrilled, unpaid, ill-conducted rabble; and that by unremitting labour of personal supervision ("I had visited the whole army, seen every single man myself as well in person as in exercising, where other generals that had continued the charge longer than myself had not taken a view so much as of one company") he had transformed them into an effective and orderly force; that "in the removes and marches the army paid justly for what they took, and passed along with civility and modesty as other subjects without burdens to the country through which they went"; whereas, "formerly they took the victuals and paid nothing, as if it had been an enemy's country: so that the soldier was now welcome in every place, where before they were an abomination to the inhabitants." In this, too, as in other matters of administration, Wentworth had not spared his own pocket. He was able to boast of having sunk £6000 in horses, furniture, and arms for his troop, which was always ready for immediate service at an hour's notice, conceiving it, as he said, to be of a "mighty reputation to the service of the Crown when people saw him in such a posture as that he was able upon an hour's notice to put himself on horseback and to deliver, in spite of all opposition, a letter in any part of the kingdom."

Of the state of public justice he was able to re-

port in a manner to which Charles, at any rate, could take no exception, and which in some respects would earn the approval of the very latest school of democracy in our own times. Justice was dispensed, he said, "without acceptation of persons"; and this was strictly true, for his hand bore equally heavily on all suitors and even all judges, from the highest to the lowest, whose modes of demanding or of dispensing justice did not square with his own conceptions of the duty of the liege and the judiciary. "The poor knew where to seek and to have relief without being afraid to appeal to his Majesty's Catholic justice against the greatest subject; the great men contented with reason because they knew not how to help themselves or fill their greedy appetites, where otherwise they are as sharp set upon their own wills as any people in the world;" and that "that was a blessing the poorer sort, a restraint the richer had not formerly been acquainted with in that kingdom." And of the ministers of justice themselves the Lord Deputy was able to say, with perhaps a somewhat more questionable exultation, that they were "never in so much power and estimation in the State and with the subjects as now, and yet contained in that due subordination to the Crown as is fit" (the very phrase is eloquent of the distance which we have travelled since then), "remembering wholly to uphold the sovereignty, carrying a direct aspect upon the prerogatives of his Majesty without squinting aside upon the vulgar opinions of the populace."

And lastly, of his efforts on behalf of the Church of Ireland, his recovery for her of her wrongfully seized lands and her embezzled revenues, and his successful

endeavours to conform her ritual and doctrine to that of the Church of England, he gave the account which I have above attempted to set forth.

His vindication of his personal attitude towards those with whom he had to do, and of his administrative bearing and demeanour generally, was given in words so curiously autobiographic, so vividly illustrative of the man himself, so explanatory of much that the world has admired, and more that it has condemned in this strong-willed but single-minded ruler, that it ought to be, and shall be, transcribed entire. Referring to these enemies of his' who would have it, perverse people that they were, that he was a "severe and an austere hard-conditioned man, rather indeed a Basha of Buda than the minister of a pious and Christian king," he continues:

"Howbeit, if I were not much mistaken in myself, it was quite the contrary. No man could show wherein I had expressed it in my nature; no friend I had would charge it in me in my private conversation; no creature had found it in the managing of my own private affairs; so as if I stood clear in all these respects, it was to be confessed by any equal mind that it was not anything within, but the necessity of his Majesty's service which enforced me into a seeming strictness outwardly. And that was the reason indeed. For where I found a Crown, a Church, and a people spoiled, I could not imagine to redeem them from under the pressure with gracious smiles and gentle looks; it would cost warmer water than so. True it was that when a dominion was once gotten and settled, it might be stayed and kept where it was by soft and moderate counsels, but where a sovereignty (be it spoken with reverence) was going down the hill, the nature of man did so easily slide into the paths of an uncontrouled liberty, as it would not be brought back without strength, nor be forced up the hill again but by vigour and force. And true it was, indeed, I knew no other rule to govern by

but by reward and punishment, and I must protest that where I found a person well and entirely set for the service of my master, I should lay my hand under his foot and add to his respect and powers all I might, and that where I found the contrary, I should not dandle him in my arms or soothe him in his untoward humour, but if he came in my way, so far as honour and justice would warrant me, I must knock him soundly over the knuckles, but no sooner he became a new man, apply himself as he ought to the Government, but I also change my temper and express myself to him, as unto that other, by all the good offices I could do him."

If this, added the Deputy, were sharpness and severity, he desired to be better instructed by his Majesty and their Lordships, for in truth it did not seem so to him. Still, if his Majesty did not choose to be thus served, his servant would like nothing better than to follow the bent and current of his own disposition, "which is to be quiet and have no disputes with any." But here his Majesty interrupted and said that "That was no severity," and that he "wished me to go in that way,"—which was the way he expected to be served.

Wentworth triumphed, as he deserved, and as nothing but an extraordinary combination of ingratitude and folly on the part of his royal master could have prevented his doing. Charles assured him that his conduct needed no apology, that no unnecessary severity had been practised, that everything had been done in the best manner for his service. The Privy Council, enemies included, whom Wentworth did not lack in that august body, took their cue from the King. They were liberal in applause of the Lord Deputy's conduct, and united in exhorting him to continue his good work. He quitted London more powerful than ever, and for the first time since his

appointment to the Lord Deputyship of Ireland he paid a brief visit to the seat of his earlier won, though still retained, authority at York. He writes almost pathetically from Wentworth Woodhouse of the charm of his ancestral home; and in words so often echoed since his time by many a weary statesman, so seldom followed, even with the weariest, by a resolve, he utters his yearnings for that life of repose from which he felt himself so utterly cut off.

But there was work to do even here, and work of a very urgent kind. Charles had just had recourse to a new levy of ship-money, and the temper with which it would be received in general throughout England was uncertain. For one part of England Wentworth knew that he could answer. As President of the Council of York he was prepared to pledge himself that within the large area of his jurisdiction the impost should be loyally paid. His active and dexterous policy was as usual successful, and while the officers of the revenue in other parts of the kingdom levied the new exaction amid threats and murmurs, Wentworth was able to send the King as favourable accounts from York as heretofore from Ireland. "In pursuit of your commands," he writes, "I have effectually, both in public and private, recommended the justice and necessity of the shipping business, and so clearly shown it to be not only for the honour of the kingdom in general, but for every man's particular safety, that I am most confident the assessment next year will be universally and cheerfully answered within this jurisdiction."

With the memory of this service fresh in the royal mind, and with the magnitude and value of his Irish achieve-

ments so recently acknowledged, it is not surprising that Wentworth should have thought the occasion a favourable one for renewing his application for an earldom. This time he employed, as though distrusting his own influence, the good offices of Laud. He represented to the Archbishop that if he were sent back to Ireland unrequited it would shake his authority and injure the public service. Charles again refused. He had indeed even better reason, from his own not very elevated point of view, to do so than on the previous occasion. If Wentworth was unpopular two years before, and if at that date his royal master had been unchivalrously chary of sharing any of the burden of his unpopularity then, he had now stronger motives for such disinclination than ever. His alleged ground of refusal was ingenious. He assured his servant that the cause of his request—namely, the desire to strengthen his position in Ireland—would, if known, be more apt to encourage than to silence his enemies, that their calumnies would increase with the discovery of his apprehensions, and their attacks become more dangerous when they were seen to be feared. "The marks of my favour," said Charles with irritating plausibility, "which stop malicious tongues are neither places nor titles, but the little welcome I give to accusers, and the willing ear I give to my servants." Then, as though anxious to soften the refusal by a jest, he added, "I will end with a rule that may serve for a statesman, a courtier, or a lover,—never make an apology till you be accused."

That Wentworth felt this second refusal keenly is evident from more than one passage in his letters. But to his almost religious loyalty the notion of seriously

questioning the justice of his sovereign's decisions would have almost savoured of impiety. If his Majesty thought fit to withhold the rewards which his servant conceived (perhaps presumptuously) to be his due, it was for the servant to bow his head submissively to the royal decree. Just now, too, a temporary recrudescence of piracy in the Channel came as a very effective distraction to his chagrin. Through a blunder in the naval dispositions of Wandesford, who was acting for him in Dublin, the Algerine pirates, with whom the English Channel was swarming, found an opportunity of visiting Ireland, and actually entered Cork harbour, whence they carried off a boat with eight fishermen. The Lord Deputy's indignation blazed up at this outrage, and even more at the criminal conduct of France in allowing the passage of these men-stealers across French territory with their human booty *en route* for Algiers. Wentworth planned a convention with the French Government, whereby they should undertake to deny their ports to the pirates; and counselled a naval expedition to the coast of Barbary, which sailed in the following year, and was thoroughly successful in its object.

CHAPTER XII

THE LOFTUS CASE—THE SCOTCH WAR

1637–1639

It will be convenient in this place to deviate slightly from the actual chronological order of events in order to dispose of the last of the charges of oppressive dealing with individuals which the Lord Deputy had afterwards to encounter.

In the spring of the year 1638 Wentworth's hitherto close alliance with Lord Chancellor Loftus met with a sudden and violent rupture. The Chancellor's eldest son had recently married the daughter of one Sir Francis Raishe, and an agreement had, as was alleged, been made, whereby, in consideration of the settlement of a portion of £15,000 on the lady, the Chancellor undertook to settle £300 a year on herself and £1200 a year in land on her children. The marriage having been duly celebrated, the father of the bride refused to perform his covenant, whereupon suit was brought against him before the Lord Deputy and the Privy Council,[1] and by

[1] In Strafford's defence at his trial (Rushworth, iii. 449) the account given of the matter is that on Sir John Giffard's (the legal representative apparently of the lady's father) petition to the King his Majesty referred the case to the Deputy and Council of Ireland.

them decided against the Chancellor. Loftus protested angrily against the sentence, challenged the jurisdiction of the Court, and accused Wentworth of partiality. His contumacy was at once reported to the King, and an answer was received through Secretary Coke conveying his Majesty's high displeasure with the conduct of "so great and ancient a judge," and directing the Lord Deputy, in the event of the Chancellor's persistence in denying his authority and that of the Council, to take from him the seals and to use such compulsory means as law and justice required. Loftus still refusing compliance, he was deprived of the Great Seal and committed to prison, where he remained for some time. Finally, however, he made his submission in the humblest terms, and acknowledging the authority of the judgment of the Lord Deputy and his colleagues, appealed from it to the English Privy Council. Here, however, more than a year later, the judgment was fully confirmed, and Loftus was compelled to execute the covenants of his son's marriage-contract.

On the whole, had it not been for the exceptional dignity of the sufferer, it would be difficult to understand how so much came to be made of the case. It does not seem to be alleged that the Chancellor had any defence on the merits. It is worthy of remark that Clarendon carefully refrains from committing himself to any defence of Lord Loftus on the equity of the case. He merely says that "the endeavour was to compel the Chancellor to settle more of his land and in another manner on his eldest son than he had a mind to, and than he could be legally compelled." This last phrase may either mean legally, as opposed to equitably, or it may be intended to convey that the assumed jurisdic-

tion of the Privy Council over the case was itself an illegality. Neither construction in any way impugns the proposition that the Chancellor was inequitably endeavouring to evade the performance of the covenant, and his plea to the jurisdiction was certainly one which it did not lie in his mouth to make. No doubt he would have preferred to have a bill filed against him in his own court for specific performance of his contract to his daughter-in-law; but this was a preference which no plaintiff could reasonably be expected to share with a defaulting Chancellor. Admitting that the claim of the Privy Council to intermeddle in civil suits between private litigants was in the nature of a usurpation, it was at any rate one which Loftus himself as a Privy Councillor had aided and abetted throughout his whole tenure of that office. The committal of a Chancellor for contempt of court is doubtless a startling thing; but then so, when committed by a Chancellor, is the contempt itself. Moreover there is no evidence to show, nor even, save such as is to be traced to a mere piece of slanderous gossip,[1] any presumption to suggest,

[1] "Loftus," says Macaulay, "was thrown into prison in order to compel him to settle his estate in a manner agreeable to his daughter-in-law, whom, as there is every reason to believe, Strafford had debauched." These stories, he adds (meaning this and the Mountnorris affair), "do not rest upon vague report." Yet I know not what else they do rest upon unless it be a single reference of Clarendon's (*Hist. Reb.* i. 390, 391) to a suspicion in which he does not even express his own belief. He says merely that "the earl had so great a value and esteem for the lady that it made his justice the more suspected," and that at his trial "many things of levity, as certain letters of great affection and familiarity from the earl to that lady which were found in her cabinet after her death . . . were exposed to the public view."

that Wentworth's own interest in compelling recognition of authority was other or stronger than that of his colleagues in the Council. They were as much bound as he was, and he as much as they, to execute the royal mandate for the deprivation and imprisonment of the contumacious Chancellor.

We are now approaching a period in Wentworth's life when a wider field of activity was soon to open to him. Early in 1637 the King conceived or rather took into his fitful and wavering contemplation the project of a war with Spain to recover the Palatinate for his dispossessed kinsman. His wiser councillors were opposed to it, and Wentworth, whom Charles now for the first time consulted on a question of international policy, most vehemently of all. He saw in it, in fact, the defeat of all his carefully-matured schemes of domestic policy, and the ultimate, if not the immediate, destruction of that edifice of monarchical authority which he had been so patiently building in one portion of his master's kingdom, and which he doubtless looked forward to extending in due time to the whole realm. And not only was he averse to war on these grounds, but he especially objected to a war with Spain. His plan of making Ireland the great victualling ground of the Spanish navy was still a cherished idea with him, and he was most reluctant to abandon the hope of thereby gaining an immense development of Irish trade. The despatch which he addressed to the King on this subject is among the most masterly of his State papers.

Another conflict, however, was impending which the King had wantonly challenged, and which his obstinately

inept policy at last put it out of his power to decline. In July, 1637, Charles provoked that quarrel with the Scottish people to which, more than to any other error in his whole career, he owed the calamitous close of his reign and life. On the 23rd of that month occurred the famous scene of tumult in St. Giles's Church at Edinburgh, for which the signal was long traditionally believed to have been given by the flying stool of Jenny Geddes, a legendary heroine[1] who bids fair to defy the destructive efforts of the historian with as much tenacity of life as William Tell. Then followed the riots at Edinburgh, the fruitless mission of Traquair to London, the framing and signature of the Covenant, the demand for the summons of an Assembly and a Parliament, the despatch of Hamilton to Scotland — in short, the whole series of events through which, in the King's unreadiness for a military solution of his difficulties, the quarrel dragged on, uncertain whether of warlike or pacific issue, until the summer of 1638. In June of that year Charles began to prepare for war. It does not appear up to this point, or even for some time afterwards, that he had consulted the ablest man in his kingdom; but Wentworth imparted his views on the matter to Northumberland in July, 1638, and it is probable enough that they were brought to the ears of the King. As might have been expected his sentence was for war.

Wentworth's military plans for the reduction of

[1] Burton, *Hist. Scot.* vi. 443. Wodrow states that it was a "constant believed tradition that it was Mistress Mean, wife to John Mean, merchant, of Edinburgh, that cast the footstool."—Gardiner, viii. 315.

Scotland were on his own theory of the situation sufficiently well conceived. In preparation for the worst Carlisle and Berwick should, he urged, be adequately garrisoned, and the troops there, as well as the trained bands of the northern counties, should be diligently exercised during the winter so as to have a disciplined army ready at the commencement of the summer without any previous expense to the Exchequer. But Wentworth looked rather to naval than to military operation for bringing the rebellious Scots to reason. If they still continued refractory their ports should be blockaded and their shipping seized; and under this pressure he doubted not that their hastily-formed union would be dissolved. In this, as the event proved, he gravely miscalculated the temper of the Scottish people; but in truth he was hardly less mistaken as to the disposition of the English. "It may be asked," he said, "how money shall be found to carry us through the least part of this. In good faith every man will give it, I hope, from his children upon such an extremity as this, when no less, verily, than all we have comes thus to the stake. In a word we are, God be praised, rich and able, and in this case, it may justly be said, *Salus populi suprema lex*, and the king must not want our substance for the preservation of the whole."

The autumn of 1638 was spent in fruitless negotiations with the stubborn Covenanters. Twice in the third quarter of that year was Hamilton despatched to Edinburgh as the King's commissioner with instructions to spare no efforts to bring back the Scottish malcontents to the allegiance without war. His second visit lasted till the end of November, when, after a

vain attempts to control the decisions of the Church Assembly, then in session, he declared it dissolved in the King's name, and returned to England to report the utter defeat of his undertaking. Early in 1639 it became evident that war was unavoidable. On January 17th the Committee of the Privy Council on Scotch Affairs recommended the King to select from the trained bands a force of thirty thousand men. It was arranged that he should go to York in April to treat or fight as occasion might serve, and that Newcastle and Hull should be placed in a condition of defence. Arms and munitions of war were brought over from the Continent in large quantities. The army which actually took the field fell considerably short of the number recommended, but, given efficiency and capable leaders, it ought to have been a match even for the better trained soldiery of the Scots, who, according to Clarendon, had not yet mustered more than three thousand strong. Charles's forces consisted all told of nearly twenty thousand men. Cavalry to the number of six thousand and about an equal strength of foot composed the main body of the army with which he marched northwards in the summer of 1639. But besides these Lord Lindsey was to bring two thousand men from Lincolnshire; Lord Cumberland was to hold Carlisle with a force of eight hundred, of whom three hundred were Irish levies supplied by Wentworth, and Hamilton was to effect a diversion by landing at Aberdeen at the head of a little army of five thousand men.

The opportunity for executing this last manœuvre never arose—if indeed the Marquis ever attempted to seek it; while as to the invading land-force, after advancing a

few miles to the north of Berwick, and finding itself there confronted with a Scottish army of much inferior strength, but so artfully disposed by their commander Leslie as to appear much stronger than they were, it beat an inglorious retreat. So gratuitously disgraceful, indeed, was this sudden retirement of the English forces that even the whole combination of causes to which it has been referred seems barely sufficient to account for it. There is no doubt, however, that the army was miserably handled, that its leaders were at loggerheads with each other, that its soldiers were ill-trained and ill-disciplined, and very many of its officers ill-affected to the cause for which they had been summoned to fight. Lord Holland, who commanded the cavalry, seems to have been wholly incompetent, and to have been thrust into his post by the favour of the Queen. Lord Arundel, the nominal generalissimo, was a mere figure-head. Lord Essex, the only one of the three who had had any experience of actual warfare, held only a secondary command. The King had summoned all the nobility of the kingdom to assist him according to the service of their tenures, and a certain number of them obeyed; but the only effect of this step was to surround himself with a body of magnates, many of whom had already been won over by the indefatigably negotiating Scots, and most of whom probably were much more ready to recommend compromise than to urge hostilities. The forward march from Berwick displayed a pitiable lack of military conduct. On a terribly hot day in June—"by the testimony of all men," says Clarendon, "the hottest that was known"—Holland passed the border at the head of three thousand horse and two thousand foot, with a fit train of artillery,

and marched ten or twelve miles into Scotland to Dunse Hill. Owing to the excessive heat, to some error in the orders, and some accidents of the night that retarded them, the foot were considerably outmarched by the cavalry, so that when the enemy first appeared in view, the infantry and artillery were three or four miles behind. Holland, it is believed, might have waited for them to come up without any fear of having to sustain an attack in the meantime, or he might, it has even been maintained, have safely enough engaged the enemy as he was; but for some unexplained reason he beat a hasty retreat, rejoined his infantry, and with them fell back again on the King's camp at Berwick. The only known parallel to his movements of that day is to be sought in that distich of the nursery which records the achievements of an unnamed Duke of York.

The Scottish leaders, whose tactics military and civil throughout these events are beyond all praise, immediately reverted to pacific diplomacy. Arundel, Essex, and Holland were at once addressed by them in conciliatory letters, and the ministers and courtiers of the King at Berwick were industriously plied with amicable representations. These, and some opportune military demonstrations within sight of the royal camp, accomplished the desired object. The unhappy Charles had indeed no choice in the matter. Surrounded by nobles indifferent or even adverse to the undertaking in which he was engaged, by ministers and generals anxious to be quit of it on any terms, and by soldiers with little stomach for fighting, he had no choice but to submit, and the so-called Pacification was hastily patched up. An agreement was made—"if that," as Clarendon

says, "can be called an agreement in which nobody meant what others believed he did"—that both armies were to be disbanded, and an Act of Oblivion passed, that the King's forts and castles were to be restored, and an Assembly and a Parliament called for a full settlement of the dispute. The disbandment of the royal forces was nominally not to take place until all the terms of the treaty had been carried out, but the shrewd Scots most likely knew well enough that facts would loose more than words could bind. As a matter of fact the King's army was disbanded almost immediately. The Scots, on the other hand, were in no hurry to dismiss their forces, and on various pleas, among others that the royal garrisons ought to have been, but were not, withdrawn from Berwick and Carlisle under the treaty, contrived, in fact, to keep on foot as much of their army as they thought fit until the renewal of hostilities. And no sooner were their leaders arrived in Edinburgh than they put forth a protestation showing plainly that they had not abated one jot of the demands to which the King had refused to listen, and which he had been at the pains and cost of collecting an army to resist. The Pacification, to quote a disgusted contemporary critic, was indeed "a wonderful atonement." Charles must have perceived, even before he reached London, that his rebellious Scotch subjects had befooled his commissioners and himself in the negotiation of the treaty as thoroughly as they had outwitted his generals in the field.

CHAPTER XIII

THE SHORT PARLIAMENT, AND THE SECOND SCOTCH WAR

1640

STUNG by these defeats and humiliations, Charles turned at last for counsel to the one supremely able man of his party. He wrote to Wentworth summoning him to England, but bidding him be sure to conceal the cause. He wished, he said, to consult him on some military projects, but he added, "I have much more, and indeed, too much to desire your counsel and attendance for some time, which I think not fit to express by letter more than this — the Scottish Covenant spreads too far." Wentworth at once replied with an assurance of his readiness to serve his master. His foot, he said, should have been in the stirrup that very morning, but that powers were required from his Majesty to enable him to arrange for the administration of Ireland during his absence. He complained, too, of lameness in his knee, "a remainder of his last year's gout," and his malady is said, indeed, to have become so much aggravated as to have caused him apprehension of losing the use of his limbs. It was not till the middle of November that he was able to obey the King's summons; and even then he set forth in the midst of so sharp an attack of gout as

would have deterred any man of less fortitude from undertaking the journey, and as did in fact prostrate him at Chester, and detain him there some days unable to move forward on his road to London.

The King had good reason to solicit his counsels. His advice to his master with respect to Scotch affairs had been almost invariably judicious, and Charles's misfortunes had been due in nearly every case to disregarding it. Nor had the Lord Deputy's services been confined to advice alone. Ireland, formerly the most turbulent and ill-governed part of his Majesty's dominions,—Ireland, which, in addition to its ordinary elements of disorder, contained no fewer than sixty thousand Scotch settlers, all of them possible, many of them probable sympathisers with their North British brethren,—had been firmly held down. The Lord Deputy had promptly quelled all disorder at its first appearance, and had not only prevented the Irish Scots from assisting their countrymen, but had compelled them to abjure the Covenant. Much of this, too, was effected less by demonstrations of material strength than by the ascendency of personal character; and Ireland, which in the hands of a weaker man would have required an addition to its military garrison to insure its tranquillity, had actually supplied a contingent—small, indeed, but probably the only effective troops among them—to the King's forces on the Scottish border. The Lord Deputy, indeed, had a high opinion of the military capacities of Ireland under his governance. He held, and, as it proved, to his cost, that the island was exceptionally fitted to become the training-ground of an army, and had boasted on a previous occasion that if the proper measures were taken to

recruit and drill soldiers in Ireland, his Majesty might be kept in a permanent state of preparedness to take the field anywhere in Europe at the head of an army of twenty thousand men.

The time had now come for him to receive the long-sought recognition of his services. In January, 1640, he was created Earl of Strafford, invested with the Order of the Garter, and in place of the title of Lord Deputy of Ireland received that of Lord Lieutenant, which had remained in abeyance since—and the omen was a sinister one—the Irish administration of Elizabeth's Earl of Essex. To his earldom was also added, at his request, the Barony of Raby—a peerage which the head of the Vane family, no friend as it was of the new earl, had long looked to see revived in his own person. What motive he may have had in soliciting this particular honour it is difficult to say, but it seems hardly possible that a man of his serious temper could have been actuated by the wanton malice which Clarendon imputes to him. "He would needs," says the historian of the Rebellion (i. 266), "in that patent, have a new creation of a barony, and was made Baron of Raby, a house belonging to Sir Henry Vane, and an honour he made account should belong to himself, which was an act of the most unnecessary provocation (though he contemned the man with marvellous scorn) that I have known, and I believe was the chief occasion of the loss of his head." There is no doubt that it greatly exasperated the hostility of Sir Henry Vane, whom he had originally provoked by opposing his promotion to the Secretaryship of State in the room of Coke, and that, as later incidents testify, the feud thus aggravated did play an important part

in insuring the fatal issue of his trial. Strafford, however, had many other enemies at Court besides Sir Henry Vane. Holland "could not forget a sharp, sudden saying of his" ("I cannot," adds Clarendon quaintly, "call it counsel or advice," but even as a mere suggestion it would be offensive) "that the king would do well to cut off his (Holland's) head." Essex, who had been a friend of the late Lord Clanricarde, was, "naturally enough disinclined to his person, his power, and his parts." Hamilton, again, regarded him with distrust, if not with dislike, and lastly, says Clarendon, "he had an enemy more terrible than all the others, and like to be the more fatal—the whole Scottish nation, provoked by the declaration he had procured of Ireland" (the abjuration of the Covenant) "and some high carriage and expressions of his against them in that kingdom. So that he had reason to expect as hard measures from such popular councils as he saw were like to be in request, as all these disadvantages would create towards him. And yet, no doubt, his confidence was so great in himself and in the form of justice (which he could not suspect would be so totally confounded) that he never apprehended a greater censure than a sequestration from all public employment in which, it is probable, he had abundant satiety; and this confidence could not have proceeded (considering the full knowledge he had of his own judges) but from a proportionate stock of, and satisfaction in, his own innocence."

Two of Strafford's enemies—Vane and Hamilton—formed members with him of that *juncto*, as Clarendon calls it, or interior committee of the Privy Council, which was the germ of the modern Cabinet, the others

being Laud and Windebank, Cottington as Chancellor of the Exchequer, Juxon "for his place as being Lord High Treasurer," and the Earl of Northumberland "for ornament." This council had soon to take a momentous resolution. They, or the leading spirits among them, were in favour of a renewal of the war with Scotland, and as the only expedient open to them for furnishing themselves with its sinews, they advised the summoning of a new Parliament. The misgivings, however, with which they tendered the advice appear clearly enough in the resolution subsequently voted by them "to assist the king in extraordinary ways, if the Parliament should prove peevish and refuse supplies." Strafford headed the list with the magnificent contribution of £20,000, and, with the hope, abundantly well-founded as it turned out, of creating a good example for the Commons of England, he advised that an Irish Parliament should also be summoned to assist in relieving the necessities of the King. This advice, as we may imagine, was eagerly assented to by his sorely-embarrassed sovereign, and Strafford quitted London early in 1640 to attend the opening of the Irish Parliament on March 16th in Dublin.

We have now, however, reached a period in his life in which his state of health — always a somewhat important factor in determining his actions — began to assume a well-nigh paramount influence over their course. Henceforth, until the close of his career, it becomes impossible to say exactly what might have happened to him, to his royal master, or to the history of England, had Strafford's frame been able to bear up as stoutly as in earlier days against the cruel maladies

which always pressed so heavily on him. For the enemy was now gaining ground upon him daily; and at the very crisis of Charles's fortunes, when it was of the first moment to him that the one man who could retrieve them should retain full possession of his faculties, we find this man laid prostrate, his activity paralysed, his judgment probably clouded—nay, every power of his mind and body in all likelihood weakened, save only his indomitable will.

Strafford was not destined to reach Dublin in time for the opening of the Parliament. He had hurried on board ship at Beaumaris without waiting for a fair wind, so great was his fear lest he might find himself laid up ashore with the fresh paroxysm of the disease which he felt approaching. He was late for the opening of the session, but his presence was not needed. So complete was the ascendency of the great Lord Lieutenant that he might almost have imitated that Spanish ruler of the Netherlands who sent his walking-cane to represent him in the Chair of State and preside over the deliberations of the Flemish burghers. The zeal of the Irish Parliament surpassed his most sanguine expectations, and, now that he had at last obtained the visible proofs of royal favour which he had been so long seeking, was probably stimulated by hopes of recommendation to the goodwill of the King. Having unanimously voted four subsidies —the sum required by Charles—the Parliament declared that this was but a very inadequate expression of their zeal, and that his Majesty should have the fee-simple of their estates for great occasions. They proceeded to draw up a formal declaration, in which they "humbly offered their persons and estates even to their

utmost ability" for his Majesty's further supply till the reduction of the present disorders. In the preamble to the Bill of Subsidies they declared that their present warm loyalty arose from a deep sense of the inestimable benefits conferred on their country by the Lord Lieutenant. They recounted his meritorious services to the King, and assured his Majesty that all these had been rendered "without the least hurt or grievance to any well-disposed subject."

Strafford might well be proud of such a result of a six years' rule over the most turbulent and worst-affected part of the King's dominions, and he requested the English Court to make public the loyal declaration of the Irish Parliament as an example to the rest of the Empire. Having then by extraordinary exertion levied an army of eight thousand men to assist the King in the reduction of the Scotch rebellion, he quitted Ireland after a stay of a fortnight to attend the opening of the English Parliament. Again, however, he was struck down. The fatigues of the last few days had once more brought on an acute phase of his complaint; it was aggravated by a stormy passage across the Channel, and when the ship touched land Strafford could hardly endure the pain of being carried ashore. At Chester he lay for some days extended on a bed, unable to bear the slightest motion, and probably undergoing almost as much mental torture from enforced inaction as physical anguish from the paroxysms of his disease. His haughty and imperious spirit, however, was untamed by suffering. News was here brought to him of the refusal of the county of York—his own county, from which he had obtained unresisting payment of ship-money when midland and

eastern England was in revolt against it—to furnish two hundred men for the garrison of Berwick. The Privy Council were considering what satisfaction they should demand of the county magnates who had defied their requisition, and from his sick-bed Strafford wrote indignantly to Windebank expressing his astonishment that "the Council should think of any other satisfaction than sending for them up and laying them by the heels."

As soon as he could bear to be moved he was lifted into a litter and conveyed by slow journeys to London. Here also Parliament had met before his arrival, and he was probably too ill to take any active part in its deliberations. Nor can one readily believe that he was very active in the Council, or at least that he had any share in the foolishly precipitate proceedings of the next three weeks. The history of the Short Parliament is still more or less obscure, and it is now perhaps not very likely to be cleared up; but merely by taking all that is known into due consideration, and being careful not to attribute too much weight to what is only imputed or suspected, it is difficult not to believe that the failure of this last attempt at accommodation between the King and his people was due to treachery, and almost as difficult not to believe that we know the author. The inducements to an understanding were too strong, the opportunity of concluding it was too good, to allow us to think that it could possibly have been defeated by anything but design.

Let us consider for a moment how matters stood.

There is, in the first place, little doubt that Charles himself was sincerely desirous of coming to terms with

his Parliament. Secondly, there is almost as little doubt that a substantial majority of that Parliament entertained the same desire. In the third place, the terms proffered by the King to the Parliament were in principle and in their original presentment acceptable, and were, according to evidence good on this point at any rate, in a fair way to be accepted, when the final rupture took place. The immediate cause of this rupture was a sudden rise in the King's terms of compromise, as stated by his two representatives in the House, Sir Henry Vane the elder, then Secretary of the State, and Sir Edward Herbert. It is true that the proposal of the Lords to the Commons to grant a supply before proceeding to the discussion of grievances had already given offence to the Lower House as an encroachment upon their jurisdiction over finance; but the peers had withdrawn promptly from their position with an ample, almost a humble apology, and there was antecedently, therefore, no reason in the world why Charles's offer to the House to release "all his title or pretence to ship-money in future, in consideration of a grant of twelve subsidies to be spread over a term of three years," should not have been accepted. Most certainly it might, with goodwill on both sides, have formed the basis of an arrangement, and there seems every ground for believing that on the side of the House of Commons there was goodwill enough. The King had a stronger party of friends in that House than he had in the last Parliament, and the number of members who, without being exactly "king's men," were anxiously desirous of accommodating the constitutional quarrel were without doubt a majority. Why, then, did the attempt at accommodation fail?

The narrative of Clarendon gives an answer which must in substance be correct. We are not bound to accept any of the inferential matter in his account of the affair, for he was himself the leader of the party of compromise, and author of a resolution which, if adopted, would have settled the dispute. But the facts speak for themselves. Hampden, who no doubt regarded the King's offer as merely postponing the constitutional questions which he wished to bring to an issue, proposed the question, "Whether the House would consent to the proposition made by the king as it was contained in the message." This question would of course have been negatived not only by those who objected to the compromise on principle, but by those who thought that the King's terms were too high. Hampden was followed by Sergeant Glanville, the Speaker (the House being in committee), who urged the grant of the subsidies in a speech which is said to have produced a great effect at the moment. Hampden's party still insisting on their question being put, Hyde rose and pointed out that to "those who desired to give the king a supply, though not in such a proportion, nor it may be in that manner" the form of the question was unsatisfactory, and he therefore proposed "to the end that every man might frankly give his yes or his no, that the question might be put only upon the giving the king a supply; which, if carried in the affirmative, another question might be upon the proportion and the manner."

It will be seen that even this amended form of the question did not put it as favourably for the interests of the Crown as it might have been put, for while it would no doubt have secured the votes of those who

desired to give a supply "though not in such a proportion, nor it may be in that manner," it might have lost the votes of those who were not prepared to grant any supply except conditionally on the King releasing his claim to ship-money for the future. No doubt the proper form of resolution would have been one which, while taking note of the royal offer to release this claim, and signifying the intention of the House to proceed at once to the provision of supplies, should have left the amount open to further consideration. Nevertheless the particular formula proposed would have been good enough, Clarendon assures us, for its immediate purpose of securing the assent of a majority of the House to a course which would at any rate have left the door open to an amicable settlement. But it was never allowed a fair chance; it was practically knocked on the head by the action of the ministers themselves. Hyde moved that the question might be put, "whereupon, for a long time, there was nothing but a confused clamour and call—'Mr. Hampden's question,' 'Mr. Hyde's question,'—the call appearing much stronger for the last than the former; and it was generally believed that the question had been put and carried in the affirmative . . . if Sir Henry Vane, the Secretary, had not stood up and said that as it had always been his custom to deal plainly and clearly with that House in all things, so he could not but now assure them that the putting and carrying that question could be of no use; for that he was most sure, and had authority to tell them so, that if they should pass a vote for giving the king a supply, if it were not in the proportion and manner proposed in his Majesty's message it could not be accepted

by him; and therefore desired that question might be laid aside." Herbert, the Solicitor-General, spoke to the same effect, and no other privy-councillor opposing, though, says Clarendon, "they were much displeased with the Secretary's averment, the business was no more pressed; but it being near five o'clock in the afternoon, and everybody weary, the House adjourned."

Even now, however, the King's proposal had not been definitely rejected, and conciliatory counsels might have prevailed at the next sitting. But for some reason or other Charles had conceived the idea that the House was particularly hostile to him, and would proceed—in his opinion, it would appear, instantly—to pass resolutions adverse to the taxing power; and accordingly on the morning of the next day, May 5th, he, to the surprise of almost everybody, dissolved the Parliament. The mere unwisdom of this step does not make Clarendon's explanation of it inadmissible; but its extraordinary precipitancy remains a mystery to this day. Clarendon's account is that Vane and Herbert had "made a worse representation of the humour and affection of the House than it deserved, and undertook to know that if they came together again they would pass such a vote against ship-money as would blast that revenue and other branches of the receipt, which others believed they would not have had the confidence to have attempted, and very few that they would have had the credit to have compassed." And he adds that "what followed in the next Parliament within less than a year made it believed that Sir Henry Vane acted that part maliciously and to bring all into confusion, he being known to have an implacable hatred against the Earl of Strafford, Lieu-

tenant of Ireland, whose destruction was then upon the anvil." That would explain Vane's eagerness to get Parliament dissolved; but Charles's hurry to dissolve it, with the question of supply still under discussion, and no sign—certainly no decisive sign—that the House was in an unyielding mood, remains as inexplicable as ever. According to Clarendon, "when he was better informed of the temper and duty of the House of Commons, and that they had voted a supply if Sir Henry Vane had not hindered it by so positive a declaration that his Majesty would refuse it," he was heartily sorry for what he had done, and angrily denied that he had given any such authority. The one thing which seems to be certain in the matter is that Strafford had no share in advising the dissolution.

Charles had now to appeal to individual loyalty for the wherewithal to renew the war. His appeal was not unsuccessful. Strafford immediately set the example of liberality by contributing a sum of £20,000. Other lords of the council and "private gentlemen about the city" followed, and in three weeks' time no less a sum than £300,000 was poured into the Exchequer to be paid out as his Majesty should direct. An army was raised with all speed, and placed under the command of the Earl of Northumberland, Essex being passed over, and Strafford, though designed by the King, according to Clarendon, for the command in chief, having declined it with the patriotic object, says the same authority, of attaching Northumberland more firmly to the royal interest by giving him the preference. Conway was made general of the cavalry.

I shall pass briefly over the story of this short and

disastrous campaign. Ill-health, ill-luck, and incapacity among the commanders contributed in almost equal degrees to the untoward result. Northumberland was stricken with dangerous sickness almost before the army was well on the march, and, the physicians despairing of his life, or anticipating for him at best a tedious recovery, he begged the King to transfer his command. Charles sent for Strafford from Ireland, where he was then busy organising his contingent raised in that country to effect a diversion in Scotland; and Strafford at once responded to the summons. He, however, was but just recovered from his last attack, and before he could reach Conway on the border, whither he had been despatched with the view of arresting the Scottish advance with the first troops of horse and foot which had been levied, the disgraceful rout of Newburn had occurred. Strafford, though then undergoing agonies, had indeed written from York enjoining Conway at all costs to prevent the Scots from crossing the Tyne at Hexham, where that movement seemed imminent; but neither the general's disposition nor the quality of the troops was adequate to the occasion. The Scottish army drove them back, and Newcastle having become untenable Conway retreated in disorder with his forces to Durham. Here they were at last joined by Strafford, "bringing with him a body much broken with his late sickness, which was not clearly shaken off, and a mind and temper confessing the dregs of it, which, being marvellously provoked and inflamed with indignation at the late dishonour, rendered him less gracious, that is, less inclined to make himself so, to the officers upon his first entrance into his charge; it may be, in that disorder, not quickly discerning to whom

kindness and respect was justly due." These faults of temper and demeanour were eagerly seized upon by his enemies, and in a short time the army "was more inflamed against him than against the enemy." A victory or two, however, would doubtless have changed all this; and had Strafford's physical powers been what they once were, it is possible that the war might have had another issue, or that Charles at any rate might have got better terms for himself. Even after the opening of the negotiations which immediately followed, he succeeded in scoring the one Royalist gain of the war. An attack organised by him upon the enemy's quarters was entirely successful. The detachment sent by him defeated a large body of the enemy, and took all the officers prisoners.

Charles, however, was afraid to resume hostilities in any general and vigorous fashion. Yielding to the outcry aroused by this military manœuvre he commanded Strafford to desist from further hostilities, and affairs ran their fated course to the assembling of the Council of Peers at York, to the conclusion of the armistice at Ripon on ruinous financial terms for the royal Treasury, and finally to the King's summons of what was destined to the perpetual remembrance of history as the Long Parliament. It was convoked for the 3rd November following, and Strafford knew well what it had in store for him. He knew that to go to Westminster was to place himself in the hands of his implacable enemies, and that he could better serve his master, both in council and, what he doubtless thought more likely to become necessary, in the camp, by returning to his seat of power in Ireland. He spoke in this sense to the King. Charles replied that he was unable to spare him from

Westminster, but that "as he was King of England he was able to secure him from any danger, and that the Parliament should not touch a hair of his head."

Strafford obeyed. The Houses met on November 3rd, and by the 6th Pym had proposed and carried a motion for a committee to inquire into the complaints of the King's subjects in Ireland. The portent of this was obvious, and Strafford's friends anxiously pressed him to return to Ireland, or at any rate not to adventure himself in Parliament. His only answer was to take post to London and press onward with all possible speed. He reached the capital on the 10th, rested from his fatigue on the morning of the 11th, and at three in the afternoon went down to the House of Lords. He arrived there at the very moment when the blow of the enemy fell. He had hardly taken—according to some accounts he had not taken—his seat when Pym, at the head of a deputation of the Commons, presented himself at the bar of the House, and having read a resolution of the Commons directing his impeachment, prayed their Lordships to commit him at once to prison. Strafford, with a "proud glooming countenance," was making towards his place, when a clamour of voices arose "bidding him void the House." Hardly was the leave to be heard in his place—the barest right of an accused—accorded him. Grudgingly permitted to address the House, however, he pleaded forcibly for his liberty, pending the formulation of detailed charges against him, and prayed the Lords to consider what mischief they might bring on themselves if, upon a mere general accusation without the mention of any one crime, a peer of the realm might be committed to

prison, and so deprived of his place in that House where he was summoned by the King's writ to assist in their counsels. Strafford then withdrew, and the Lords after very short debate resolved to commit him to the custody of Black Rod. He was recalled to the bar, where at first he stood erect, but was commanded, according to the practice of the House on such occasions, to kneel. The order of the Lords was read to him by the Lord Keeper from the woolsack. He left the House in charge of the usher, and passed the night at the house of his custodian, whence he was shortly afterwards conveyed to the Tower.

CHAPTER XIV

IMPEACHMENT

1640-1641

THE hand of the Parliament now began to fall heavily on the chief partisans of prerogative. On December 18th Laud was arrested and lodged in the Tower on a like charge of high treason. An accusation was preparing against Finch and Windebank when, by the connivance probably of some of their parliamentarian friends, they fled the country. Sir George Radcliffe of the Irish Privy Council, Strafford's confidential secretary, afterwards to be the editor of his letters and despatches, arrived early in December from Ireland, and was immediately committed to close imprisonment in the Gatehouse. Christopher Wandesford, another of the most trusted of the Lord Lieutenant's counsellors, would in all probability have been brought to trial for his share in Strafford's Irish administration, but the shock of his chief's arrest proved fatal to him. He fainted on receiving the news, and the next day he was dead.

It was not till after the lapse of nearly three months that the accusation against Strafford was completed. Nine articles of impeachment had been presented by the Commons a few days after his arrest, but the committee

appointed to prepare the charges found delations pouring in upon them from all sides, and the number of the articles grew to ninety-eight. On January 30th he was summoned to the House of Lords to hear them read. "He came from the Tower by water," says Baillie, the Covenanter, "with a guard of musketeers, the world wondering, and at his going out and coming in shouting and cursing him to his face." For a while he knelt at the bar, but he was soon directed to seat himself. The indulgence was needed, for the articles took three hours to read. Strafford asked for a month to prepare his reply, but he was at first only allowed from that day (Saturday) until the Monday after. On the latter day, however, he was confined to his bed by an attack of gout, and the time for answering was extended until the following Wednesday fortnight. As a matter of fact it was on that day three weeks, February 24th, that his answer was, as was usual, in writing, forwarded to the House of Peers. There it was read aloud.

It now only remained for the Commons to fix the day, place, and manner of the trial, but these two latter points, the last especially, were not settled without long and close debate. It was suggested that the proceedings should take place in the Upper House itself, but the space available in that chamber for accusers, witnesses, judges, and spectators would have been manifestly much too small, and that idea was accordingly abandoned. Then it was considered whether the prosecutors should be chosen from the Council or from the Commons, whether the bishops should have voices in the trial, and whether peers created since the date of the impeach-

ment should be allowed to sit as judges. The first of these questions was promptly decided by the Commons in their own favour. They could hardly be expected to believe that Strafford's own colleagues would conduct the proceedings against him with sufficient energy and goodwill, and they resolved that the committee of the Commons which had prepared the charge against him should form the managers of the impeachment. The question as to the participation of the bishops in the trial was properly one for the Upper House itself, whither it was accordingly referred, and where it was settled by the bishops, on the motion of the Bishop of Lincoln, voluntarily renouncing their right to sit. They urged several reasons for the renunciation, but the only one, apparently, which was really relied on was the old canonical rule, *Clericus non debet interesse sanguini.* The question, however, as to the peers appointed since the commencement of the proceedings was one which the Commons were not prepared to trust wholly to the decision of the Lords, and they passed a resolution demanding that no such peer should sit as a judge. Some of the new creations, following the example of the bishops, voluntarily disclaimed jurisdiction, but those who insisted on their right were ultimately allowed to exercise it unchallenged by either House. A final but difficult question remained to be determined on a point of etiquette, which was whether the Commons should sit covered or uncovered at the trial. After a good deal of debate it was agreed that the more deferential form should be adopted. Westminster Hall was appointed for the place of trial, and was fitted up with seats for the reception of the whole House of Commons,

together with their Speaker. At the back of the throne an alcove was constructed, from the recesses of which the King and other members could witness the proceedings unobserved.

At seven o'clock in the morning of March 22nd Lord Strafford, under a guard of one hundred soldiers, was conveyed by water from the Tower to Westminster Hall, and presented himself at their Lordships' bar, where, having made due obeisance, he remained standing while the charges against him were read out. He had throughout expressed the highest confidence in his acquittal, and it must be admitted that much of the matter of accusation brought against him was of a nature to justify the belief. The hand of the partisan was much more noticeable in the articles than that of the lawyer, and the purpose of exciting prejudice against the prisoner appeared far more conspicuously than that of bringing home to him definitely treasonable acts. Clarendon says of the indictment that it was one in which (1) "all the hasty or proud expressions or words he had uttered at any time since he was first made Privy-Councillor; (2) all the acts of passion or power that he had exercised in Yorkshire from the time that he was first president there; (3) his engaging himself in projects in Ireland, as the sole making of flax and selling tobacco in that kingdom; (4) his billeting of soldiers and exercising of martial law there; (5) his extraordinary way of proceeding against the Lord Mountnorris and the Lord Chancellor Loftus; (6) his assuming a power of judicature at the Council-table to determine private interests and matters of inheritance; (7) some vigorous and extra-judicial determinations in cases of plantations; (8) some

high discourses at his Council-table in Ireland; (9) some casual and light discourses at his own table and at public meetings; and (10) lastly, some words spoken in secret council in this kingdom, after the dissolution of the last Parliament,—were urged and pressed against him to make good the general charge of an endeavour to overthrow the fundamental government of the kingdom, and to introduce an arbitrary power."

Some of these charges—such, for instance, as (1), (8), and (9)—bear on the face of them a presumption of frivolity. It would be going too far to say, of course, that a valid charge of high treason could not be founded on mere spoken words, but it is, to say the least of it, extremely improbable that "hasty and proud expressions," "casual and light discourses," uttered some of them in private, or even "high discourses" delivered at the Council-table in Ireland, could avail to substantiate such a charge. Words spoken in secret council in this kingdom (10), or, in other words, advice given to the sovereign after a dissolution of Parliament, stood of course on a different footing. Such words are in truth acts, and acts of a most important kind; and it will be seen that this head of charge was greatly relied on in the subsequent proceedings. And of course "acts of passion or power," etc., might or might not amount to a high treason according to their import and effect. Thus, while Strafford's treatment of individuals, his undue extensions of judicial authority, and whatever wrong these acts might inflict on the subject, could hardly be wrested to an offence against the Crown,—on the other hand, the billeting of soldiers and exercising of martial law were acts which might be represented

not only technically and by statute, but in some cases (though not, I think, in Strafford's) morally and substantially as high treason.

The committee of managers for the Commons, slightly altered in its constitution from that of the original committee of inquiry, consisted of Pym, Hampden, Whitlocke, Stroude, Lord Digby, Oliver St. John, Sir Walter Earle, Sir John Clotworthy, Jeffrey Palmer, Sergeant Maynard, and Glyn, Recorder of London. Of these it is unnecessary to say that Pym, actuated alike by public and private hostility to the prisoner, was the leading spirit. His animus was shown in his mode of opening the pleadings, in the course of which he applied to Strafford the melodramatic description of the "wicked earl." Oliver St. John was a Parliamentarian of an extreme type, who had been practically forced upon the King as Solicitor-General by his party, but who made no disguise of his "fast and rooted malignity against the Government" even after his elevation. Maynard and Glyn were able lawyers. Of Lord Digby, a son of the Earl of Bristol, there will be more to be said presently. "So far as the mere procedure went," says a most competent and a thoroughly impartial authority,[1] "the management of Strafford's impeachment seems to have been conspicuously fair. . . . Every fact alleged against him was made the subject of proof by witnesses produced in court, some of whom he successfully cross-examined. In some instances also rules of evidence were recognised and enforced." The fairness, however, did not extend farther than to the observance of mere

[1] Stephen, *Hist. Criminal Law*, i. 36.

regularity of procedure. The prisoner, a man notoriously in wretched health, was kept daily on his defence from a very early hour in the morning till late in the afternoon, and once (March 26th) after a long day's battle he only succeeded in obtaining an adjournment by declaring that "he was ready to drop down in respect of his much sickness and weakness," and desiring their Lordships "to turn the case inwards and see if in their own hearts there were not reason that, being upon his life, his honour, and his children, and all he had, he should not be pressed further." On April 9th he succumbed for a time and failed to make his appearance, whereupon the Court, not satisfied with the evidence of the Lieutenant of the Tower that the prisoner was unable to move from his bed, insisted on the testimony of his physician and his servant to the same effect, and then only adjourned with the notification that if the Earl were not well enough to appear on the following day they would proceed in his absence. A deputation of the peers was further sent to the Tower to inquire into the condition of the prisoner, who assured them that he would be present the next day, "even though he should be carried by four men" to the court. The next day, however, he was sufficiently recovered to attend as usual. The notion of Strafford's "malingering" is too ridiculous a one for even his bitterest enemy to have entertained, and these incidents, therefore, must be taken as evidence of the fierce animosity with which the prosecution was pressed.

On what may be called the counts of prejudice in the impeachment I do not deem it necessary to dwell. On all of them Strafford defended himself with readiness and spirit; to some of them his defence was, I think,

adequate; by none of those which he failed to rebut was the charge of high treason in any degree supported. With the Mountnorris and Loftus cases, with the case of the Galway jury, and with the usurpations of jurisdiction by the Irish Council, I have already dealt in other parts of this volume—and I will only add here that, however unreservedly any constitutional lawyer of the present day may condemn the conduct of Strafford in all or any of these particulars, I believe that no such authority will be found to say that his offence under these heads would amount, singly or taken together, to the capital crime of which he was being impeached.

On one article, and one only,[1] was there ever any chance of convicting him, and before the evidence on this article was even technically complete the Commons, despairing of a conviction, had already commenced resort to that violent and arbitrary measure by which they eventually compassed their enemy's destruction. This was the article that charged Strafford with having, in Committee of the Privy Council, advised the King to employ

[1] Hallam has expressed the opinion, which Macaulay endorses, that the 15th article, which charged Strafford with taxing certain towns in Ireland in an arbitrary way, and raising the sum so levied by quartering troops on the inhabitants till they paid the money, approached more nearly to a charge of treason than any other. But see Stephen, *Hist. Crim. Law*, i. 363. Apart from the question whether the statutes appealed to in support of the contention were still in force, it would in fact be (what Hallam says it cannot be) "extravagant to assert" that levying taxes in this manner is constructively "levying war upon the king." The abuse of military power to the oppression of the subject is, as Sir James Stephen justly says, "no more the same thing as an attempt to subvert the established Government by force than perjury which misleads is the same thing as bribery which corrupts a judge."

the Irish army for the subjugation of England. "You must," he was alleged to have said, "prosecute the war vigorously; you have an army in Ireland with which you may reduce this kingdom." The evidence, however, on which this charge was based was such as any judge at *nisi prius* would have unhesitatingly directed a jury to disregard. It was both suspect in its origin and inconclusive in itself. It proceeded from one member of the committee alone, and that member notoriously at ill-will with the prisoner, and confirmed by none of his colleagues, nor, assuming it to have been truthful, did it support the inference sought to be drawn from it. The words were deposed to by Sir Henry Vane alone. Northumberland, Hamilton, Cottington, and Juxon—all present at the sitting—while recollecting all the rest of Strafford's language as reported by Vane, declared on oath that they heard nothing about the army in Ireland or the threatened reduction of England. Even if Strafford had used the words—which he denied—it was pointed out by him with his usual readiness that the committee was then sitting as a Committee for Scotch Affairs; and the Court was invited to adopt the fair and reasonable conclusion that the "war" which was to be prosecuted vigorously was the Scotch war, and that "this kingdom" which was to be reduced meant the kingdom of Scotland. Lastly, and this was doubtless felt by the lawyers among the Committee of Managers to be fatal to their case, the charge of high treason, as founded upon the alleged utterance of the prisoner, was technically defective, since it rested upon the evidence of one witness alone, the law requiring the evidence of at least two.

The Commons therefore, now fully satisfied that the weapon of impeachment was too blunt to reach the heart of their enemy, seized upon another. On April 10th a Bill to attaint Strafford of the crime of which a tribunal of his peers would have refused to convict him, was brought into the Lower House, and then occurred an incident of a very remarkable kind. The door of the House having been locked, as for the transaction of business of especial secrecy and importance, Pym rose and produced a paper containing Sir Henry Vane's rough notes of the proceedings at the Committee of Council at which Strafford was alleged to have spoken the treasonable words. They had been placed in his hands by the younger Vane, and that high-souled young champion of popular rights was not ashamed to stand up and confess that he had illicitly abstracted them from his father's cabinet, with the keys of which he had been entrusted for another purpose, and that after a severe struggle in his chivalrous bosom between the conflicting duties of the son and the patriot, he had handed them to Pym. After debate it was resolved, at Pym's instance, that they should be laid before the Lords in connection with the article, that courageous advocate being prepared to argue that the tender of them in evidence under these circumstances amounted to the production of the second witness required by the law. At most they could only be used, as Sir James Stephen observes, to refresh the memory of the person who took them; but Pym's point was not pressed. The charge, however, as further fortified by this unworthy piece of testimony, drew an eloquent protest from the prisoner. He had already complained of the use made against him of words spoken to friends

in familiar discourse, spoken in one's chamber, spoken at one's table, spoken at one's sick-bed, spoken perhaps to gain better reason, to give himself more clear light and judgment by reasoning, "and had warned his judges that if these things should be strained to take away life and honour and all that is desirable, it will be a silent world, and a city will become a hermitage." And of this new condemnation sought to be drawn from his utterances as an adviser of the Crown, he said:

"Let it once be admitted that a councillor delivering his opinion under an oath of secrecy and faithfulness at the council-table *candide et caste* with others, shall, upon his mistaking or not knowing of the law, be brought into question, and every word that passeth from him out of a sincere and noble intention shall be drawn against him for the attainting and convicting himself, his children, and posterity. After this I do not know any wise and noble person of fortune that upon such perilous and unsafe terms would adventure to be councillor of the king."

The 12th of April was fixed for the summing-up of the evidence on both sides. Strafford, first called upon for the defence, addressed the peers in that historic speech which ranks foremost both for reasoning and eloquence among the efforts of State prisoners pleading for their lives. One by one he went over the articles of impeachment which were said to amount to high treason, and having shown in detail that they did not, any of them, singly constitute that crime, he protested earnestly against the dangerous doctrine that they could become treasonable in their cumulative effect. Thence passing to the question of the charge against him of endeavour-

ing to subvert the fundamental laws of the kingdom he contended, with, for his own day, undoubted truth, that even this charge, if proved, would not amount to high treason. And against the creation of the evil precedent of making that to be treason for the sake of destroying a political enemy which before was not so, he delivered himself of this dignified and memorable protest.

"Under favour, my Lords, I do not conceive that there is either statute law or common law that hath declared this endeavouring to subvert the fundamental laws to be high treason. . . . And sure it is a very hard thing I should be here questioned for my life and honour upon a law that is not extant, that cannot be showed! There is a rule that I have read out of my Lord Coke, *de non apparentibus et non existentibus eadem est ratio.* Jesu! my Lords, where hath the fire lain all this while, so many hundred years together, that no smoke should appear till it burst forth to consume me and my children? Hard it is, and extreme hard, in my opinion, that a punishment should precede the promulgation of a law, that I should be punished by a law subsequent to the act done; I most humbly beseech your Lordships take that into consideration. For certainly it were better a great deal to live under no law but the will of man, and confine ourselves in human wisdom as well as we could, and comply with that will, than to live under the protection of a law as we think, and then a law should be made to punish us for a crime precedent to the law. Then, I conceive, no man could be safe if that should be admitted."

Let them put away from them all that sinister subtlety of lawyers by which they were being beguiled into bloodshed and wrong.

"We find that in the primitive time, on the sound and plain doctrine of the blessed apostles, men brought in their books of curious art and burnt them. My Lords, it will be

likewise (as I humbly conceive) wisdom and providence in your Lordships, for yourselves and posterity, for the whole kingdom, to cast from you into the fire these bloody and mysterious volumes of constructive and arbitrary measures, and betake yourselves to the plain letter of the statute that tells you where the crime is, that so you may avoid it. And let us not, my Lords, be ambitious to be more learned in these killing arts than our forefathers were before us."

The peroration of this famous speech is its most famous part. It moved all who heard it, even down to the sour Scotch Presbyterian minister Baillie, who however must needs disfigure the record of his impressions of the scene by coupling with it a vile and demonstrably baseless slander on the illustrious prisoner, to which Carlyle, usually so careful in his investigations into fact, has unfortunately given a sort of half credence.[1]

[1] "He made a speech large two hours and ane half. . . . And in the end after some lashness and fagging he made such ane pathetic oration for ane half hour, as ever comedian did upon a stage. The matter and expression were exceeding brave; doubtless if he had grace or civil goodness he is a most eloquent man. One passage made it most spoken of: his breaking off in weeping and silence when he spoke of his first wife. Some took it for a true defect of his memory: others and the most part for a notable part of his rhetoric: some that true grief and remorse at that remembrance had stopped his mouth." The "remorse," Baillie goes on to say, was at the remembrance that "when his first lady, the Earl of Clare's sister, being with child," was chiding him for an infidelity, "he strook her on the breast whereof shortly she died."—Carlyle, *Miscellanies* (Art. "Baillie the Covenanter"). Unfortunately for the pious scandal-monger, Strafford's first wife, who moreover was not a sister of Lord Clare, but a daughter of Lord Cumberland, was never *enceinte*. The circumstances of his second wife's death are recorded by his secretary, Sir George Radcliffe. Her death was a perfectly normal case of death in childbed, nor is the slightest authority for Baillie's calumny anywhere to be found.

"My Lords, I have now troubled your Lordships a great deal longer than I should have done. Were it not for the interest of these pledges that a saint in heaven left me, I should be loth, my Lords . . . [Here he paused for a moment overcome by his emotion, and then leaving the sentence unfinished continued] . . . What I forfeit for myself it is nothing. But I confess that my indiscretion should forfeit for them, it wounds me very deeply. You will be pleased to pardon my infirmity; something I should have said, but I see I shall not be able, and therefore I will leave it. And now, my Lords, I thank God I have been, by His good blessing towards me, taught that the afflictions of the present life are not to be compared with that eternal weight of glory that shall be revealed hereafter. And so, my Lords, even so, with all humility and with all tranquillity of mind, I do submit myself clearly and freely unto your judgment, whether that righteous judgment shall be to life or death. *Te Deum laudamus, te Dominum confitemur.*"

The managers replied, Pym in particular with the acrimony which had characterised his conduct of the trial throughout. He concluded with a significant intimation to the Peers that the Commons did not intend to demand judgment—a formality necessary to its delivery—on the impeachment. For the time and manner of "making it appear" to their Lordships that the crimes and offences proved against the prisoner were high treason, the managers were, said Pym, to resort to the direction of the House of Commons, from whom their Lordships would hear in convenient time. The plain English of this was that the Commons proposed to "make it appear" that Strafford had committed treason by special legislation declaring him to have been guilty. It was, in fact, an anticipatory application to politics of that "one plain argument" of Lord Peter's, to which Swift was afterwards to give immortal currency in *A Tale of a Tub.* It

meant that the enemies of the fallen Minister were determined to compass by party vote what they saw they could not accomplish by judicial decision. The Bill of Attainder was to be pressed forward with all possible speed.

CHAPTER XV

ATTAINDER AND EXECUTION

1641

It may be as well to pause here for a moment to consider how the case stood between Strafford and his Parliamentary opponents. Much ingenuity has, it appears to me, been wasted in the effort to make out that Strafford's offences, though not technically treason, amounted morally to that offence. Macaulay, in pursuance of this line of argument, takes up Hallam's remark above noticed, on the 15th article of the Impeachment, and enlarging upon what he calls a certain "very ridiculous reply" to it, proceeds to summon his ever-ready "every schoolboy on an upper form" (who is on this occasion assisted by "every attorney's clerk") to demolish the objector by informing him that they know, if he does not, "that by a fundamental maxim of our polity, the king can do no wrong, that every court is bound to suppose his conduct and his sentiments to be on every occasion such as they ought to be; and that no evidence can be received for the purpose of setting aside the loyal and salutary presumption. The Lords, therefore, were bound to take it for granted that the king considered arms which were unlawfully directed against his people as directed against

his own throne." To this it might be remarked that the brilliant essayist, in quietly slipping the word "unlawfully" into the last sentence, was setting a very bad example of controversial tactics to the schoolboy and the attorney's clerk; but let that pass. The only point I care to take is this: that though these remarks of Macaulay's were a perfectly accurate statement of the case in the year 1828, after nearly a century and a half of settled constitutional practice, it is beyond the utmost power of his learning and abilities to establish the slightest ground for believing that it represented, I will not say the accepted theory of the constitution in 1630-40, but even only a theory possessing such pretensions to acceptance that a minister who should ignore or defy it could be justly held to have done so at his peril. Would Macaulay or would Hallam have seriously contended that at the time when Strafford performed the various acts of government afterwards charged against him as treasonable, he ought to have known that one and all of those acts, however advantageous they appeared to be to the interests of the prerogative, however heartily the King had assented to them—nay, however earnestly he had urged them, were, in contemplation of constitutional law, acts directed against the power and person of the sovereign? Such a question seems to me to answer itself. But perhaps it was hardly necessary to ask it, for Macaulay's defence of the proceedings of 1641 leaves those of 1649 defenceless. The standing room of legality is too small to supply a foothold at once for the Parliament which voted Strafford a traitor and for the High Commission which condemned his master to the scaffold. If the constitutional doctrine that the King can

do no wrong was sufficiently well established to sharpen the axe for the Minister, how are we to explain its failure to save the head of the King? One execution or the other must have been a judicial murder. Modern apologists for the Long Parliament cannot "have it both ways."

Nothing is gained by them, it seems to me, in refusing to look the facts in the face. Strafford had committed no crime for which he legally deserved death. But the Commons were determined that, by hook or by crook, they would have his life, if not by the judgment of a court, then by their own legislative act. Hallam seems to think that they were right in punishing him irregularly, since they could not do so regularly; but that their punishment should have been less severe. He suggests that they should not have brought in a Bill of Attainder against him, but have proceeded by the milder method of a Bill of Pains and Penalties. This, I confess, is to me an incomprehensible position. The Commons evidently thought that "stone dead hath no fellow," and I think they were right. I believe that if Strafford had escaped the block he would have lived to trouble the parliamentary party sorely, if not to have guided the great struggle between monarchy and democracy to a different issue. The King's short-sighted folly in permitting his destruction is the measure of his enemies' justification for compassing it. War had practically been declared already, if Charles could only have perceived it, and the attainder was legitimate enough, in my opinion, as an act of war. What makes it offensive, to me at any rate, is the hypocritical pretence of legality under cover of which it was done. A preamble declaring the death of their

prisoner to be required, in the opinion of the majority, by the interest of the State, would have been unobjectionable. It is the constant appeal to legal doctrines and legal principles by men who were deliberately outstepping all law which creates disgust.

It was, at any rate, too much for the conscience of one staunch supporter of the popular cause in the House of Commons. The Bill of Attainder was read a second time on April 14th, and on the motion for the third reading Lord Digby, one of the managers, as we have seen, of the impeachment rose, and in a speech of refreshing honesty declared that he could not vote for the Bill. He had, he said, only consented to the impeachment on the faith of the assurance that Strafford could be proved to have advised the King to bring over an Irish army to reduce England. Yet so far from the charge having been established in the legal way by two witnesses, Lord Digby could not consider that it had been attested even by one, since he did not regard even the elder Vane's evidence on the point as satisfactory. Had the charge been proved, it would have been "a withe to bind all these other scattered and lesser branches, as it were, into a faggot of treason." But without it—though the other offences might represent the prisoner as a man no less worthy, perhaps worthier to die than many a traitor, and though they might justly direct the House to declare these acts to be treason for the future—they did not and could not justify the infliction of the punishment for treason before them. "God keep me," exclaimed Digby, "from giving judgment of death on any man, and of ruin to his innocent posterity on a law made *à posteriori*. Let the mark be

set on the door where the plague is, and *then* let him that will enter die." And, with that singular force and clearness which so often surprise us in the speeches even of politicians of the second rank at this great period of political quickening, he proceeded to pronounce this admirably just and discriminating admonition against the danger of supplementing the limited jurisdiction of the judge by the boundless authority of the legislator. "I know, Mr. Speaker, there is in Parliament a double power of life and death—a judicial power and a legislative. The measure of one is what is legally just; of the other what is prudentially and politically fit for the good and preservation of the whole. But these two under favour are not to be confounded in judgment. We must not piece upon want of legality with matter of convenience, nor [upon] the defailance of prudential fitness with a pretence of legal justice."

Finally Digby entreated every man among his hearers to purge their hearts clear of all passions, "to put away from them all flatteries to the people in being the sharper against him, because he is odious to them;" all fears of the people lest by the sparing his blood they may be incensed, and with all "such considerations as that it is not fit for a Parliament that one accused by it of treason should escape with his life. . . . Of all these corruptions of judgment, Mr. Speaker," he concluded, "I do before God discharge myself to the uttermost of my power. And do with a clear conscience wash my hands of this man's blood by the solemn protestation that my vote goes not to the taking of the Earl of Strafford's life."

Sentiments of this kind are always distasteful to

furious partisans, but the fury of a partisan must be great indeed to blind him to the conventional propriety of professing approval of them, and of treating their author with respect. Passion, however, ran high enough in this case to submerge all such considerations of decorum. The printing and publishing of this speech after the Bill had passed was pronounced to be scandalous to the proceedings of that House. Printer and publisher were declared delinquent. The speech was ordered to be publicly burnt by the common hangman, and the King was petitioned to confer no honour or employment on Lord Digby for the future.

The Bill was read a third time on April 21st by a majority of 204 to 59, and sent up to the Lords. A notification was added that the Commons would be ready the next day in Westminster Hall to "give their Lordships satisfaction on the matter of law on what had passed at the trial"—in other words, to prove that acts which it required special legislation to convert into treason, were treason already. Strafford was again brought to the bar; the Commons again assembled in Westminster Hall, and Mr. Solicitor St. John proceeded to broach his famous argument that "in that way of bill, private satisfaction to each man's conscience was sufficient, although no evidence was given in at all (!) . . . It is true we give laws to hares and deer, because they are beasts of chase; but it was never," declared St. John—one almost writes St. Just—"accounted either cruelty or foul play to knock foxes and wolves on the head as they can be found, because they are beasts of prey." Such was Mr. Solicitor's notion of "giving their Lordships satisfaction on the matter of law."

But Pym and his party had, as Clarendon says, a still better argument to the Lords to pass the Bill—the argument of intimidation. The names of the minority were, by a gross breach of parliamentary privilege, placarded about the city under the superscription "Straffordians or Enemies to their Country." Popular passion had begun to rise, and from this date until the fatal day when the royal assent was given to the Bill, it continued to ferment. But for the pressure which it was likely to exercise upon the weak will of his master, Strafford would have had good reasons to think that his life was safe. No pledge of indemnity could have been fuller and more solemn than the King had given him. On April 23rd, two days after the Bill passed the Commons, Charles wrote under his own hand to his doomed Minister assuring him "on the word of a king" that, though the "misfortune that had fallen upon him" rendered it impossible that he should be employed hereafter in the royal affairs, he should not "suffer in life, honour, or fortune." "This," he added, "is but justice, and therefore but a very mean reward from a master to so faithful and able a servant as you have shown yourself to be. Yet it is as much as I conceive the present time will permit, though none shall hinder me from being your constant faithful friend, CHARLES R."

Charles's friendship, however, was always more fatal than his enmity, and his next step on his Minister's behalf undoubtedly contributed to his destruction. The Earl of Bedford—the most moderate of the popular party, and who had been on that account made Lord High Treasurer—had undertaken to the King to effect

an arrangement with the Commons and to save Strafford's life. Unfortunately, however, at this juncture Bedford died, and Lord Say, the Master of the Wards, who aspired to fill his place as Treasurer, succeeded also to his functions as Treasurer. By the advice of this minister (Clarendon suggests maliciously given, but if not, at any rate ineptly given), and against the strong representation of Strafford who foresaw all the danger of the step, the King went down to the House of Lords on April 30th in person, and summoning the Commons to his presence, informed Parliament that he could not consider Strafford to have been guilty of high treason—taking occasion in this connection to deny, explicitly and emphatically that he had ever purposed to bring over the Irish army into England, or had ever been advised by anybody to do so—but that he "could not clear him of misdemeanour." He desired, therefore, that he should be found guilty on the minor only instead of the capital charge, adding as an inducement to the course that he did not think Strafford "fit hereafter to serve him or the Commonwealth in any place of trust; no, not so much as to be a high constable."

This unworthy appeal was, no doubt, well meant on the King's part, but its effect was disastrous. Charles's act was at once declared by the popular party in the Commons to be an unparalleled breach of privilege, and unwarrantable intermeddling with legislation then actually before Parliament. A stormy debate ensued after Charles left, and the proposal to discuss his communication was rejected amid loud cries for the adjournment of the House. That night the agents of "King Pym" were busier than ever in the city, and the next

day Palace Yard and the approaches to the House were crowded by a threatening mob, who, with cries of "Justice! Justice!" pressed upon and hustled those peers who were suspected of favouring the accused Minister. Lord Bristol was marked out for special insult, his coach being surrounded by angry rioters, who denounced him as an apostate from the cause of Christ, and declared that they would shortly demand justice not from but upon him and "his false son, the Lord Digby." This intimidation produced the desired effect on the minds of the peers, who were also further agitated by rumours of an army plot for Strafford's rescue — a story founded mainly if not merely upon an indiscreet memorial of certain military officers to the King, and blown out into monstrous proportions by Pym and the popular party. How great this effect was may be judged not only from the Protestation or oath of loyalty to the Church, the Crown, and the Parliament, which was excitedly taken by both Houses, but from the circumstance that only forty-five lords out of the eighty who had attended at the trial were present when the third reading of the Bill was put to their House. Of these forty-five, twenty-six voted in its favour, and nineteen against it; and by this narrow majority it was passed on the 8th of May.

Would the King assent to it? All now turned upon that question, and it should not have been a doubtful one. Every consideration, alike of honour and of interest, dictated a refusal. He was as deeply pledged to Strafford as one man could be to another; he was as vitally concerned in saving the life and prolonging the service of incomparably his ablest servant as was ever

any sovereign in the case of any minister; yet it is clear that for some days past, probably ever since the first signs of popular tumult began to manifest themselves, he had been wavering.

Four days before the Bill passed the Lords, Strafford, as is well known, entreated the King to assent to it. There is no reason to doubt the absolute sincerity with which, at the moment of its conception, the prisoner penned his famous letter from the Tower. That passionate chivalry of loyalty, which has never animated any human heart in equal intensity since Strafford's ceased to beat, inspires every line. Yet if any one finds it difficult to reconcile the mood in which this letter was written with that in which the answer was received, he should read the following pathetic passage in the letter: "To say, sir, that there hath not been a strife in me were to make me less man than, God knoweth, my infirmities make me; and to call a destruction upon myself and young children (where the intentions of my heart, at least, have been innocent of the great offence), may be believed will find no easy consent from flesh and blood." It is easy to understand that the strife was not over when this letter was written; that it was renewed, and with varying fortunes; and that before the death-warrant was signed, the hope of escape from death and, what was far more constantly in his thoughts, the rescue of his children from the pecuniary ruin that awaited the issue of a convicted felon, began to revive in his heart.[1]

[1] This view of Strafford's state of mind at the crisis of his fate has, since it was put forward in the text as above, received what would appear to be a singular confirmation. I have been informed that there exists among the papers of Dr. Knowles, the editor of

Charles turned distractedly from one adviser to another, not so much for counsel as for excuse. He did not want his judgment guided, but his conscience quieted; and his counsellors knew it. They had other reasons, too, for urging him to his dishonour. Panic seems to have seized upon them all. The only man who would not have quailed before the fury of the populace was the man himself whose life was trembling in the balance. The judges were summoned to declare their opinion, and replied, with an admirable choice of non-committing terms, that "upon all that which their Lordships have voted to be proved the Earl of Strafford doth deserve to undergo the pains and forfeitures of high treason." Charles sent for the bishops, and the bishops, with the honourable exception of Juxon, informed him that he had two consciences—a public and a private conscience,—and that "his public conscience as a king might not only dispense with, but oblige him to do, that which was against his conscience as a man."

What passed between these two tenants in common of the royal breast during the whole of Sunday, May 9th, 1641, is within no earthly knowledge; but at some time on that day Charles's public conscience got

the *Strafford Letters*, a copy of a document instructing the King what line of conduct to adopt when the Bill of Attainder should be presented to him. It is apparently by Strafford himself, and is posterior in date to the letter of May 4th. The King is told to refuse formally to assent to the Bill, but to give a solemn and public promise to exclude the Earl from power and trust. Charles in fact was pressed to justify a refusal to assent to the Bill on those grounds on which he had vainly attempted to dissuade the Commons from passing it. Strafford thought that if the King would resolutely adhere to this plan his life might yet be saved.

the better of its private rival. He signed a commission for giving the royal assent to the Bill, and on Monday, May 10th, in the presence of a House scarcely able to credit the act of betrayal which was taking place before them, the Commissioners pronounced the fatal *Le roi le veult* over the enactment which condemned his Minister to the block. Charles, of course, might still have reprieved him by an exercise of the prerogative, but the fears which made him acquiesce in the sentence availed to prevent him from arresting its execution. He made a feeble attempt the following day to induce the House of Lords to persuade the Commons in conference to consent to a commutation of the sentence; but he added, "if no less than his life can satisfy my people, I must say, *Fiat justitia*," and appended to his letter the uneasy postscript, "if he must die, it were charity to reprieve him till Saturday." The Lords were not likely to be moved by such nerveless pleading as this. They sent a deputation to the King respectfully setting forth that they felt unable, in his Majesty's own interests, to comply with his request, but desiring that Strafford's innocent children might be relieved of the consequences of his attainder.

To Strafford himself it seems certain that the King's abandonment came as a surprise. Well as he must have known his royal master, he evidently had not quite fathomed his capacities of surrender. Sincerely enough he may have written those majestic words, "Sir, my consent shall more acquit you herein to God than all the world can do besides. To a willing man there is no injury done, and as by God's grace I forgive all the world with a calmness and meekness of infinite content-

ment to my dislodging soul, so, sir, to you I can give the life of the world with all the cheerfulness imaginable, in the just acknowledgment of your exceeding favours." But sincerely as he may have written these words, it is clear that he afterwards concluded that it was impossible for Charles to accept the sacrifice so nobly offered him, and the tidings of that acceptance wrung from his lips the exclamation, "Put not your trust in princes nor in the sons of men, for in them there is no salvation!"

The mercy extended to his family, however, touched him deeply; and he addressed a letter full of pathetic dignity to the House of Peers, thanking them for their "noble compassion towards these innocent children." His other interests in life were soon disposed. He appointed the faithful Radcliffe his executor, and wrote a touching farewell to his son William. On the evening of the 11th he asked to be permitted a last interview with Laud. "Not without an order from the Parliament," was the reply. "Mr. Lieutenant," said Strafford, "you shall hear what passeth between us. It is not a time for me to plot treason or for him to plot heresy." To the suggestion that he might petition Parliament for that favour he replied with characteristic haughtiness, "No! I have gotten my despatch from them, and will trouble them no more."

A message was, however, sent to the Archbishop reporting his friend's wish to bid him farewell. Next morning the aged prelate stood at the window of his cell, by which the mournful procession passed on its way to Tower Hill, and Strafford knelt reverently to receive his blessing. He mounted the scaffold with that calm fortitude in which much lesser men than he have seldom

been deficient, and addressing the crowd, so lately yelling for his blood but now hushed into respectful silence, he protested his innocence of high treason and his steadfast adherence to the Protestant faith. Then, having bidden adieu to his brother George, who stood beside him weeping bitterly, and to other kinsmen and friends who had accompanied him to the scaffold, he desired that "the man who should do this last office" should be summoned to him. The executioner approached, and, according to usage, entreated the forgiveness of his victim, which was freely granted him. Strafford joined for a few moments in prayer with Archbishop Usher, then arose, and having whispered a few words to his chaplain, knelt before the block and gave the sign for death by raising his hand. The headsman did his work at a single blow.

Such was the fate of this "great person," as Clarendon in his stately way describes him,—a fate which he undoubtedly felt more keenly as consummating the ruin of his cause than as putting an end to his own strife-wearied and overburdened life. Yet had he little with which to reproach himself at that solemn hour. It was through no weakness—nay, through no errors of his own, though he had undoubtedly committed errors—that the defeat of his policy was due. I have spoken in their places of the one or two occasions on which the infirmities of his temper, or it may be of his health, got the better of his judgment; but these lapses into inconsiderate action were rare and, save in their consequences for himself personally, unimportant. It is an entire mistake to confound the unsparing *thoroughness* of Strafford's plans, and the stern determination which he showed in

pursuing them, with the mere high-handed violence of the opinionated and self-willed autocrat. I am aware that this view of his character is favoured by the great historian of the period, who has set it forth, after his usual fashion, with all the force, if with too little of the conciseness, of a Tacitean obituary. Clarendon, I know, declares that Strafford's early successes "applied to a nature too elate and haughty of itself . . . made him more transported with disdain of other men, and more contemptuous of the forms of business than happily he would have been if he had met with some interruption at the beginning, and had passed in a more leisurely gradation to the office of a statesman." Though "of great observation and a piercing judgment," adds his biographer, "both in things and persons," his "too good skill in persons made him judge the worse of things." For being employed with men who were almost all of them of faculties and abilities inferior to his, "he relied wholly upon himself, and discerning many defects in most men, he too much neglected what they said or did. Of all his passions his pride was most predominant, which a moderate exercise of ill-fortune might have corrected and reformed; and which was by the hand of heaven strangely punished by bringing his destruction upon him by two things that he most despised—the people and Sir Henry Vane." But Radcliffe, who had far better opportunities of knowing the truth, and who is here speaking to facts and not stating opinions, gives exactly opposite testimony. He declares of Strafford that "he never did anything of moment concerning either political or domestical business without taking advice, not so much as a letter written by him to any great man of any business

but he showed it to his confidants if they were near him." This is somewhat different from "relying wholly upon himself;" and what Clarendon mistook for a disdain of all other men and their opinions was no doubt only the air of haughty confidence with which he pressed forward through, or over, any human obstacles in his path. And that is not pride but policy; for however unwise it may be for a general to lay his plans as if he despised his enemies, yet when once he has decided to give battle he should certainly fight as if he did.

For my own part, I do not believe that Strafford's failure was due, proud and passionate as he was, to either pride or passion. He failed simply because the condition which he was bound to postulate, and yet could not possibly insure, was unfulfilled. The only chance for the principle of Monarchy—as Strafford conceived it, idealised it, adored it, struggled for it, died for it—was that the visible representative of that principle for the time being should be—not a hero, not a genius, not a paragon of sagacity and self-sacrifice (his principle would have stood self-condemned if it had demanded any such exceptional gifts in the individual monarch), but simply a man in whom the qualities of loyalty, resolution, straightforwardness, and political intelligence attained the average princely level. The late Emperor of Germany was certainly no genius; the late King of Italy was in many respects a distinctly unheroic figure. But if Strafford had had even a William or a Victor Emmanuel for a master, he would have won the battle for the Monarchy. He had only a Charles Stuart, and he lost. Charles never trusted him unreservedly, never supported him loyally, never even dealt with him straightforwardly. Even in

the comparatively small matter of his promise not to dispose of any Irish patronage or to burden the Irish revenues without the Lord Deputy's assent, the master was continually playing his servant false. He never appreciated his commanding abilities, he was niggardly in rewarding his services, he preferred other councillors to him at the most critical moments; and at the last he betrayed him. The disloyalty and weakness of this betrayal, conspicuous though they be, are scarcely so much so as its ineptitude. Within little more than six months of the surrender of his ablest servant, the King was leaving his capital to prepare for war with his Parliament. Clarendon's half-hearted excuses for Charles as having acted under pressure from the imminent menace of popular insurrection might have availed a year or two before. In 1641 the case was different. A ruler of average intelligence might have been expected to see what dozens of men on both sides saw already. It should not need a particularly "piercing judgment in things and persons" to know when you have your back to the wall.

What would have been the result of the victory of Monarchy if Strafford had lived and won it, is one of those questions on which it is as intellectually interesting as it is practically futile to speculate. Here it is only necessary, and perhaps only appropriate, to make two reflections. It is currently assumed in these days that Strafford's victory could not, if he had won it, have done more than delay for a very short period the advance of triumphant Democracy, and that it is ground for unmixed satisfaction to England and to humanity that that is the case. The first of these statements is usually supported by the proposition that certain great forces of

an irresistible kind were arranged on the side of the Parliament and against the King. For these great forces I have the greatest respect,—the more especially as I sometimes find them able, according to their divinely inspired exponents, to operate, apparently at will, in opposite directions. Otherwise I should venture to suggest the doubt whether the exact moment of the impact of these forces is not in some cases mistaken by the political philosopher, and whether, instead of bearing the victor, as is assumed, to victory, they have not simply swelled his train after his victory was won. There is, after all, a difference between the little army which enables a general to conquer a country, and the vast multitudes which remain neutral till the conquest is achieved, and then acclaim the conqueror. Is it quite certain that the so-called popular forces making for the victory of Parliamentary Government resembled the army rather than the multitude? It is, at any rate, certain that a very small minority of the people of England cared enough about either side to take part in the Civil War; and there is something to be said for those who hold that the political future of England depended not upon these great popular forces we hear so much of in these days, but upon a few individual lives, on one side and the other.

As to the doctrine that the right side won, or that it is the duty of all Englishmen to think so,—that is a doctrine which it is good and comfortable and perhaps wise to hold, but which I venture to think it is no longer heresy to regard as undemonstrated and indemonstrable. It is lawful in these days to set against it the following considerations: first, that the foundations of England's

greatness were laid under the system of personal rule; that the most notable additions to it were made in that period during which the power of the few still subsisted under the semblance of government by numbers; and that, since government by numbers has fully established itself, the utmost that its warmest adherents are willing to undertake for it is that it is capable of protecting its inheritance. No one suggests that it is capable of adding to our Imperial greatness; no one thinks that the Many can ever do more than guard what the Few have won. And, above all, there is no longer in the mind of the political philosopher the same confidence that government by the Many is able, except under quite abnormal geographical conditions, to endure.

What the opposite principle of government would have developed into in Strafford's hands or in those of his successors it is of course impossible to guess. "He thought," says Radcliffe, who knew him better than he was known to any other human being, that "regal power and popular privileges might well stand together; yet it being hard and difficult to keep the interests of the king and people from encroaching on one another, the longer he lived his experience taught him that it was far safer that the king should increase in power than that the people should gain advantages on the king. That may turn to the prejudice of some particular sufferers; this draws with it the ruin of the whole." The king did not increase but decreased in power, and has done so ever since; the people have gained, and have ever since continued to gain advantages on the king. And undoubtedly the "ruin of the whole" has not followed—at any rate with the speed which

Strafford probably anticipated. In the history of nations, however, the lapse of two centuries is but as the flight of a day. The time that has passed since the Revolution of 1688 is short indeed in comparison with the antecedent period during which our own and other European nations had been growing steadily in strength and cohesion under systems which, with whatever admixture of the popular element, were in the main systems of personal rule. Popular government has had as yet but a very brief history; and when we compare the seven generations or so of its existence with the ages which preceded its establishment, we cannot wonder that so many minds are recurring to the examination of abandoned political ideals, and that the once imposing train of believers in the divine right of Democracy is diminishing every day.

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